

---

# MAC DAY, CRUSADER

---

*By William Grant Burleigh*



8121 Hamilton Avenue  
Cincinnati, Ohio 45231

B

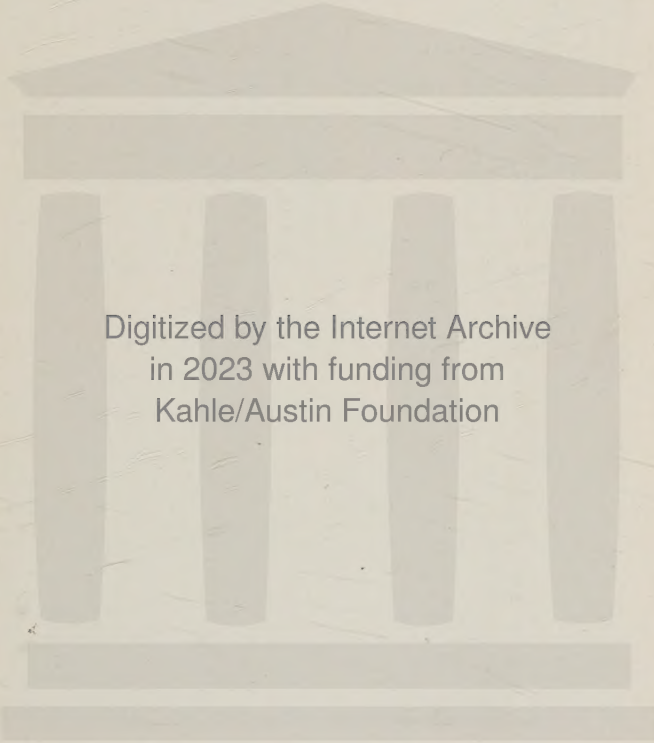
BUR

G M Elliott Library  
Cincinnati Christian University  
2700 Glenway  
P O Box 04320  
Cincinnati, OH 45204-3200

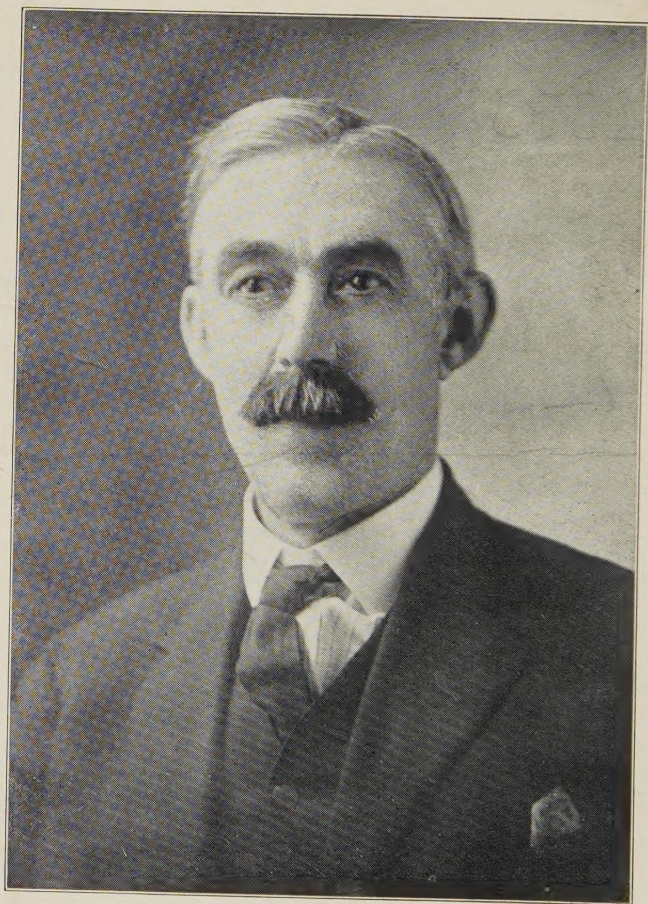








Digitized by the Internet Archive  
in 2023 with funding from  
Kahle/Austin Foundation



*W. M. Day*

"THE RIGHT ARM OF THE LAW"

# Mac Day, Crusader

BY

WILLIAM GRANT BURLEIGH

Author of MATOAKA

A Story of the Fight for  
Americanism

G.M. ELLIOTT LIBRARY  
Cincinnati Christian University



Annex

364. 133092

D 274b

Copyrighted, 1925  
William Grant Burleigh

*Dedicated to the memory  
of those who made the supreme  
sacrifice for their country*





# CONTENTS

PAGE

FOREWORD .....	7
----------------	---

## I.

THE WEST VIRGINIA HILLS.....	13
------------------------------	----

## II.

LIFE ON DISMAL RIVER.....	27
---------------------------	----

## III.

BREAKING HOME TIES.....	43
-------------------------	----

## IV.

THE GOSPEL PREACHER.....	60
--------------------------	----

## V.

A MEMBER OF FRATERNITIES.....	74
-------------------------------	----

## VI.

THE IDEAL OFFICER.....	85
------------------------	----

## VII.

THE CRUSADER.....	102
-------------------	-----

## VIII.

TRAILING BIG GAME.....	126
------------------------	-----

## IX.

KILLING OF NOAH SHORT.....	142
----------------------------	-----

## X.

SIDELIGHTS .....	156
------------------	-----

## XI.

SUNSET ON BELCHER MOUNTAIN.....	169
---------------------------------	-----

## XII.

A ROLL OF HONOR.....	188
----------------------	-----

## XIII.

THE BATTLE-LINE .....	212
-----------------------	-----

## FOREWORD

**I**N order that the reader may be assured that the contents of this volume are not a bit of fulsome praise and mere panegyric by a biased friend, two statements are inserted as a foreword.

Judge George W. McClintic is a United States Federal judge of national reputation, who never deals in panegyric, nor gives praise where it is not deserved. The statement was given to the Associated Press when the judge received news of the tragedy. The other statement is made by Mac Day's chief, who knows whereof he speaks.

The Federal judge says: "It was with a great deal of sadness that I received the news of the murder of the Rev. M. M. Day, more familiarly known to us as 'Mac' Day. He was honest, faithful, truthful, and a public servant who believed in the enforcement of the law. He was, in a real sense of the word, the right arm of the Government of the United States in the county of McDowell. It was well known that he was feared and



hated for his relentless pursuit of criminals, and his friends feared the result that has come. However, with full knowledge of the facts, and of the great danger he was constantly running, he felt that death in the performance of his duty would be a tribute to himself, and he never hesitated in the slightest degree on that ground.

“It can be truthfully said of him that his loss to the law enforcement of West Virginia, and to the moral and legal side of things in McDowell County, is truly irreparable. It can also be truthfully said that there is no one to take his place. Others might do what they can, and be good and faithful servants of the United States, but they can not reach the high ideals that ‘Mac’ Day had on that subject.

“No man ever appreciated the call of duty more than he. In his dealings with the court, and all its officials, he was courteous, dignified and always truthful.

“A good man is gone, and we shall ne’er see his like again.”

*Statement of J. H. Gadd, Federal Prohibition Director of West Virginia, under whose supervision Agent Mac Day worked.*

“Federal Prohibition Agent M. M. Day (Mac Day, as he was commonly known) began work as Federal agent May 1, 1920, and worked continuously until the date of his death, Feb. 14, 1925.

“Without detracting in the least from the good results obtained by the other agents in West Virginia, our records show that Mr. Day easily stood at the head of the list in the number of cases made, the number of convictions secured and the amount of fines imposed as a result of his efforts. It is safe to say that he was one of the very best agents in the United States out of a total of about eighteen hundred.

“He was heedless of the weather, forgetful of his meals and neglectful of his sleep in his zeal to succeed in his work. He was never vindictive or revengeful towards those whom he arrested and brought into court. When called upon by Judge McClintic to give the facts in any particular case in which a plea of guilty had been entered, he would do so in a truthful, fair and impartial manner, and always with his characteristic smile that indicated sympathy for his erring fellow-man, rather than censure. He desired reformation more than punishment.

“He was entitled to thirty days’ vacation each year with pay, but never used but a few days of such time. He would make application for vacation leave, but always reserved the right to return to work any day he thought proper, and usually after three or four days’ vacation a letter would come from him to the effect that he had information of violations, and had gone back on duty. He placed duty and loyalty to the Government above every personal consideration. He would frequently lie out all night in the most inclement weather in order to apprehend some one suspected of violating the law, yet he never complained of the hardships or hazards of his work. His whole heart was in the work; it was not merely a job with him, it was a cause which he advocated, and to which he gave nearly five years of his best efforts, and for which he made the supreme sacrifice.

“His influence for good and for law and order have been far-reaching, and some of his most ardent friends and supporters the last year or two were people who had heretofore violated the laws, but through the earnest work of this good man had reformed and were assisting in law enforcement. More than forty Federal prohibition agents have



been killed in the past five years while trying to enforce the laws, but no such killing had occurred in West Virginia until the death of Agent Day. May he not have died in vain, but may his memory inspire a better respect for the laws and a better citizenship.”

**G**OD, give us men; men of strong minds, great  
    hearts, true faith and ready hands.  
Men whom the lust of office does not kill;  
Men whom the spoils of office can not buy;  
Men who possess opinions and a will;  
Men who have *honor*; men who will *not* lie;  
Men who can stand before a demagogue  
And damn his treacherous flatteries without winking.  
Tall men, sun-crowned, who live above the fog  
In public duty and in private thinking;  
For while the rabble, with their thumb-worn creeds,  
Their *large* professions and their *little* deeds,  
Mingle in selfish strife, lo! Freedom weeps,  
Wrong rules the land, and waiting Justice sleeps.  
God, give us men.  
Men who serve not for selfish booty,  
But real men, courageous, who flinch not at duty;  
Men of dependable character; men of sterling worth;  
Then wrongs will be redressed, and right will rule the  
    earth;  
God, give us men."

## I.

### THE WEST VIRGINIA HILLS.

**I**N the southern part of West Virginia, eastern Kentucky and along the southwestern border of old Virginia, in the heart of the great Appalachian range, lies an imperial mountain region that was for more than a century inhabited and ruled by an imperial race of mountaineers. Up to within the memory of men now living, these mountaineers and their rugged empire were unknown to the world beyond, and the world to them. Nature had erected barriers to the progress of civilization that kept the natives secure in a "splendid isolation, far from the maddening crowds," and preserved them from the contaminating influence of a civilization for which they were unfitted and for which they had no desire. Rolling southward from the Great Kanawha to the Clinch, in vast, green, billowy waves, then sweeping westward from the Bluestone to the Big Sandy, in undulating hills broken by deep, narrow valleys

and interspersed with shivered crags, whose feet are clothed in living green, and whose heads are draped in white, fleecy clouds, the Almighty has here created a Switzerland of the western continent that for charming beauty and majestic grandeur is unsurpassed and unrivaled. It is a country which seems to have incurred the wrath of the gods. It looks as if one of those fickle, temperamental deities of a mythological age had, in a fit of rage, vented his wrath upon it; or, under the influence of the country's famous "mountain dew," had fashioned from the giant oaks a plow, pointed by electrified thunderbolts which he hitched to the tail of a wandering comet, and then outdid all the gods in a tremendous piece of wanton ruin. Driving east, west, north and south, and to every other varying point of the compass, he plowed, ripped and cross-furrowed the country into millions of twisted ridges, piling hills on top of hills, until their corrugated sides of overhanging cliffs and broken, jagged peaks pierced the sky. Between these towering, twisted heights, he marked deep, crooked furrows of terrifying depths through which ran in every conceivable direction swift currents of dancing, sparkling waters, racing and

splashing and tumbling over rapids and falls, throwing up billows of foaming spray in their wild rush toward the lowlands, and creating enough natural energy to turn the wheels of the universe. Then this changeable deity, coming to his sober senses, and viewing the havoc wrought and irreparable ruin done to the agricultural usefulness of the country, in a penitential mood sought to make restitution to the mortals who would one day inhabit this desolate region. He stored all the caverns and crevices of the hills with treasures of "black diamonds," to reward the industrious, and then spread over these bare cliffs, projecting crags and winding valleys a magnificent mantle of green, of surpassing beauty and superlative value. Then he retired from the scene, leaving it to rest in stately, silent grandeur until the advent of a tenant capable of appreciating its charms and appropriating its treasures. Reaching down through the bewildering mazes of the Winding Gulf, out through Wyde Mouth, across the various branches of the Tug, and over the wild depths of Dismal, to the headwaters of the Clinch, is a panorama of sublime and awe-inspiring natural wonders worth a long pilgrimage to behold.



During countless ages the solemn stillness was disturbed only by the tread and cries of myriads of wild and ferocious creatures that roamed through the dark labyrinths of hill and dale, generation after generation. Daring Indian warriors broke their narrow trails through the entangling underbrush, leading from their villages on the Ohio to the more open and attractive hunting-grounds on the Clinch and Holston. Or to prey upon the adventurous white settlers who dared to dispute with them the right to occupy these lands. But none of them ever dreamed of the buried treasures that lay beneath their moccasined feet, or of the value of the mighty forests towering above their heads, ready to reward the hands that could appropriate them to useful purposes.

When the restless tide of immigration, ceaselessly rolling out from the Atlantic seaboard toward the golden sunset beyond the Blue Ridge, reached the border of this dark and forbidding region, it split into two diverging streams. One branch moved toward the low watersheds of the upper Ohio, the other toward the Cumberland Gap and Valley of the Tennessee. These surging tides of empire builders united in the great Missis-

issippi Valley and moved on across plain and mountain heights until stopped on the shores of the Pacific Ocean. This inaccessible expanse of the Appalachian region was left to slumber on like a vast uninhabited island in a boundless sea of multiplying, active humanity. Some of the more adventurous sons and daughters of this tide of civilization's pioneers ventured down the old Indian trails along the narrow valleys, built their log cabins by the streams, deadened the great trees, made their little clearing in the mighty forest and settled down in quiet seclusion, and for the time being were forgotten by their kinsmen of the regions beyond.

They laboriously cleared their small farms by girdling the larger trees and leaving them to slowly die and fall by the gnawing tooth of time, while they chopped out and burned the smaller trees and brush beneath. These little clearings scattered along the creeks and rivers, with the great, dead trees, surrounded by living forests, reaching out their bare, gaunt limbs, were like signposts pointing out the footprints of civilization in its conquest of the wilderness. These first hardy settlers of the mountains lived but little in advance of the Indian tribes who formerly camped

where the settlers now lived. Their wants were few and easily satisfied. The wives, with their flocks of sturdy children, tilled the ground along the bottoms, while the men spent the time in hunting, fishing and moonshining, interspersed with the more exciting sport of taking pot-shots at their enemies from a friendly laurel thicket, as they waged their interminable feuds. For want of roads they were cut off from courts of justice and the broadening influence of social intercourse with more refined society. In consequence of which they went back to primitive times, and established their own codes of justice, formed their own social rules of etiquette, and lived in lordly contempt of the habits and customs of the despised "furiners." They raised their own tobacco and "chawed" and smoked when and where they pleased. They made their own "likker" out of their own corn, and got drunk when they felt like it, and repudiated the right of any Government to interfere. They made and carried their own guns, learned to shoot straight, and settled their personal disputes man to man, and dispensed with the cost of lawyers and courts. If one was so unfortunate as to get caught off guard and paid the penalty for such carelessness,

his son took up the gage of battle and removed the stain from the family escutcheon in the blood of the adversary. This process of elimination was carried on through the years until one side or the other ceased to raise boys, and peace would be declared over the unmarked graves in the family burying-place on the hillside. They kept in the pink of efficiency by holding frequent shooting-matches, using beef and turkeys for the prizes. The winner would carry off the choicest pieces of beef and fattest turkeys, unless the defeated party concluded that there had been some crooked work in the contest. Then the neighbors would come in and carry away the casualties of war.

That was a great life if one managed to stay in the game many years. It developed a peculiar race of independent, self-reliant, generous-hearted people, different from any other people on the globe. Their traits of character, native shrewdness and original mode of reasoning stamp them as the descendants of a bygone generation of extraordinary people. Having made but little progress in more than a century, they remain in the midst of a composite population, the last remnant of the original Americans who shed such a

halo of glory over the early history of our country. It would seem to a thoughtful student of human affairs that the same Divine Providence that preserved the vast wealth of the mountains through the ages to bless our present age had also preserved these unique dwellers of the mountains in order to use this virile stream of undiluted American blood in revitalizing the anemic, stagnant pool of a degenerating national life.

It would therefore be a wise and statesmanlike act on the part of our Government to set apart a reservation somewhere among the Appalachian hills to preserve an uncorrupted portion of this ancient American citizenship that lives in contempt of riches, and remains unmoved by the mad scramble of a self-seeking world, gathering up the unsatisfying baubles that starve and kill the soul.

Fifty years ago education was practically a thing unknown among the inhabitants of the mountains, except the sort gained by experience and observation. In this training they excelled. But the learning acquired from books was then, as it is now, their greatest lack. An occasional schoolmaster would wander into a community from some unknown place, and open a subscription school



for a few months. The pay was small, the teaching crude and the results meager. The school would close, the teacher pass on and the children promptly forgot what little they had learned before another school was opened, and they would have to begin all over again.

The religious training was even more crude and indefinite than the educational work. The prevailing religious creed was as hard as the rocky hills about them. It was the extremest brand of undiluted Calvinism—nicknamed “Hardshell religion.” This soul-benumbing doctrine was proclaimed by unlearned preachers who publicly thanked their Calvinistic Deity that they were ignorant as horses of “book larnin’,” and then earnestly prayed Him to make them even more ignorant. They based their power to proclaim the awful mysteries of predestination and eternal decrees upon a direct miraculous call from heaven—a call which enabled them to speak as the Holy Spirit revealed these mysteries to them in a manner and volubility that would hold their auditors for hours in open-mouthed, spellbound wonder, as they vociferously unraveled the sublime operations of Providence through all the eternities past and yet to come. They would

expatiate in flowing cadences, expounding that Book of Prophets and Apostles, not one sentence of which they could correctly read, and but a few words of which they could correctly pronounce. But their holy intonation of voice and extravagant gestures lifted the elect to the pearly gates of the seventh heaven, while the non-elect were held writhing over the belching pit of perdition. It was an exercise which thrilled the simple hearts of those mountaineers as nothing else did except the joy of getting the drop on a feudal enemy—the quintessence of bliss. The mysticism and doubt always enshrouding the problem of “getting religion” gave the subject the indefinable charm that holds the rapt attention of children while listening to ghost stories, and then sends them shuddering to bed in dark attics. Seeking religion was going in quest of a golden fleece or holy grail, attended by doubts and fears and hobgoblins and spiritual monsters of fantastic shape, an adventure that might at any moment end disastrously to the seeker in the black morass of despair, where all the non-elect floundered.

Religion was a thing to be found when least expected. If expected, it couldn't be found. When found, the finder didn't know

it. If he knew it, he hadn't found it. When he got it, he couldn't lose it. If he lost it, he never had it. It was an illusive, intangible, ethereal nonentity which anxious souls prayerfully sought for through a lifetime, and then dropped dead half-way between the gates of paradise and the abode of the eternally lost. These guileless preachers were always quite sure that they were among the chosen of God, but exceedingly doubtful of the rest of mankind.

The unsophisticated mountaineers, untaught in the ways of the world, and unused to the methods of modern business, fell an easy prey to the legally armed speculators, even as the Canaanites fell before the conquering hosts of Israel. When the steam-engine split the country wide open from New River to the Ohio, swarms of speculators followed in its wake like the locusts of Egypt, and where they passed the mountaineers found their substance swept away, even to the ground beneath their feet. And the locusts were as sympathetic and tender of the rights of the inhabitants as the speculators were.

Experienced timber-cruisers traversed those silent, gloomy forests, estimating with

keen delight the possible worth of those century-old oak, poplar and walnut giants, standing like armed sentinels guarding the gateway to the buried past. Soon the song of the band-saw and the hoarse growl of the circular saw drowned the shrill cry of the panther and the wail of the whippoorwill, while the crash of the falling giants reverberated among the hills. Skilled engineers with tripod and compass surveyed and measured the deposit of coal hid away in the heart of the hills, while legal experts prepared voluminous parchments, with space reserved for signatures on the dotted lines. "Lease-hounds," usually selected from among the mountaineers themselves, were sent out along the winding trails to round up the natives and secure the signatures of men who only knew enough about the proceedings to sign John Doe, his X mark. Not since Esau exchanged an honorable birthright for a dinner, and the red men traded Manhattan Island for a few trifling trinkets and a keg of fire-water, have the annals of time recorded a more pathetic story than the dispossession of the native sons of the mountains of the patrimony of their fathers. Yet there are instances where a number of these native sons

matched wits with the invaders, met them in physical and legal combat, and wrested from their greedy grasp fortunes worthy of a conqueror. It was the ancient conflict of the ages renewed in the western world, the battle which results in the survival of the stronger. It was the working of that old iron rule that might makes right, and the end justifies the means. The battle was waged in strict accordance with the honorable rules of business warfare. Every transaction was scrupulously and exactly legal. And every step was taken with a conscientious regard to the lofty and laudable purpose of developing the material resources of the State and nation, for the greater good of the greater number.

It was just one more grinding, upward twist in the evolution of the race that has marked human progress down the corridors of time. But there are moral problems and equations in this process of evolution, revealed by the Teacher sent from God, that gives an uneasy sensation to the conscience when one stops to contemplate the possibilities of a reckoning-day somewhere beyond the range of human vision and the judgments of mortal minds. Only He who built the mountains and

marked the rivers' courses can unravel the tangled skein of life and adjust the painful inequalities that exist on the earth.

But now, behold the change! The magnificent mountains, denuded of their ancient covering, stand forth in sterile nakedness, their bald heads and barren sides entering solemn protest against the rape of their virginity. From their cavernous bowels are evacuated millions of tons of coal. The wild creatures have disappeared from the vanished forests, the polluted streams no longer furnish crystal homes to speckled trout and sportive bass. The cabin homes of a contented people, along the riversides, have given place to a busy population gathered in camps, towns and cities. A population of mongrel races, white, black and parti-colored, speaking, like their ancestors at Babel, in a thousand strange dialects. Only the moonshiner pushed farther back into the hills, and the ubiquitous bootlegger flitting from place to place, remain as a link in the broken chain that unites this generation with that primitive, simple life of the old-time mountaineer who scorned the gilded trappings of a shallow social system, and trod the mountain heights as independently as the eagles that soared above his head.



812.17 1/2  
CS (PC)

Victor Long

### III.

#### BREAKING HOME TIES.

**M**AC DAY began his career fifty-three years ago under the most discouraging circumstances of poverty and lack of opportunities. Life, in that isolated region, was a colorless, drab affair at best. The educational, religious and social advantages were few and inadequate. To supply the daily material wants of a growing boy were not difficult, for the food was plain and coarse, and soft raiment was not the style in the mountains. The children, and many adults, went barefooted most of the year, and made-over pants held up by bark or string galls, and patched cotton shirts, were a sufficient wardrobe for a mountain youth. The denizens of the forest were satisfied with the barest necessities of life, and expected none of the luxuries. The stern, hard struggle for existence was a great, disguised blessing that taught the boy the principles of self-denial and self-reliance that have developed so

many great characters of history. It gave him a strong frame and iron constitution and steady nerve that carried him through the future years of hardships and toils, and gave him such a tremendous capacity for endurance.

There is a false and vicious theory being spread abroad to-day by a tribe of shallow thinkers and lopsided philosophers, calculated to do great damage to the country, and weaken the moral fiber of the young. It is the theory that humanity is so enslaved by heredity, and bound by environment, that it is impossible to escape a fate of crime or a virtuous life just as one's masters may decide. Hence it is argued that the vicious and criminal class is not to be held responsible for its crimes, and the virtuous are to receive no especial praise for their good deeds. It is the same old doctrine of lucky and unlucky stars of the heathen, and the outworn, hardshell doctrines of Calvinism, dressed up in the most modern Chicago style. It relieves humanity of all responsibility for good or bad deeds, and places all responsibility on the Almighty—if there be such a being. It is rank, undisguised atheism. Mac Day, in his brief lifetime, not by arguments, but by his deeds,

disproves the whole vicious theory and its wicked conclusions. No child ever entered upon the stage of life bound more closely by the fetters of heredity and environment. And few ever achieved a greater success or won a finer victory. Born in poverty, of obscure parentage, beset on every hand by evil influences, deprived of the advantages of an education, without the advice and aid of influential friends, this boy bravely took up the burden and conflict of life, and single-handed broke through the barriers of environment, surmounted the stigma of hereditary taint, and won an honorable place among men. By sheer force of energetic, honest, Christian character, and rugged loyalty to duty, he won the respect and confidence of the better class of the country's honest citizenship. Mac Day's enemies were seldom found in that class. He successfully demonstrated the truth that every man is master of his own destiny, and may win success in accordance with the use he makes of the talent and opportunity that God entrusts him with. It is upon this eternal truth that men are held to account for their crimes in this life, and their sins in the life to come. Mac Day advanced steadily, day by day, in the esteem and confidence

of the good citizens up to the day of his death. Like a great tree suddenly blown down by a gale, and still growing up to the time of the disaster, so Mac, at the time he fell, defending his country from the attacks of its enemies, was still growing in favor with God and man. And he was in a position to be of the greatest service to both. He had been fitted by training and experience to be of increasing usefulness to his country. The fame of his good works was spreading farther each passing year, and his influence for good upon his fellow-citizens was more pronounced. It is said by one of them, that ninety per cent. of the West Virginia Federal prohibition officers, and perhaps as many of the State prohibition force, are sincere, Christian men who perform their hazardous duties with prayers for divine assistance. And to Mac Day they give much credit for the high standards reached. His example and advice to his fellow-workers were always uplifting.

The schooling secured by young Day while living with his mother on Dismal was of the simplest rudiments of learning, obtained in the most irregular manner. The great free-school system that now exists had not been established in his boyhood days. Poorly

equipped teachers would hold short sessions of school on the public subscription plan. The school buildings were rude, dark cabins. The seats were rough slabs in which wooden legs had been inserted in auger-holes. They had no backs, and, the legs being longer than the legs of the small children, the youngsters had to sit by the hour stiff and straight to keep from falling. If they fell off, they were whipped for disturbing the school and rousing the wrath of the teacher. The names of three of Mac's early teachers have survived through the years—Julius Williams, Joshua Dixon, and Thomas L. Robinson who lived to preach the funeral sermon over the remains of his former pupil. This period of instruction continued at irregular times through several years, from the time Mac was six or seven years of age till he departed from the community.

Thomas Robinson, still preaching the gospel of Christ after a continuous service of more than fifty years, was no doubt the most competent instructor that Mac had the good fortune to come in contact with. Robinson was better equipped for his high calling than most of the teachers of the day, and he was a man of the highest integrity and moral

character. He took a deep interest in his work, seeking not only to inculcate knowledge and right thinking, but to implant in the young lives such thoughts of high moral ideals as would tend to elevate their moral character. This good man took a real interest in Mac, in whom he discovered talents that promised much. He relates how he was impressed with the boy's earnestness and thirst for knowledge when he first came to school, with no book but the back of a speller with the letters printed on it. Books were few and hard to get in those days. Thomas Robinson and Mac Day, man and boy, formed a chain of friendship back there in the woods of Dismal that remained unbroken through the years. Robinson, more than any other living man, helped to direct the thought and shape the character of Mac Day, as he went forward in his career.

Between the short school sessions the boy had to do his full share in the hard work of clearing up new ground for cultivation. He had to help in hoeing the corn on the hillsides too steep for plowing, gather it in autumn, and carry it to the little water-mill to be ground for bread. He may have been required to carry it to the still, for his



foster-father, like most of his neighbors, loved his corn liquor and frequently imbibed. But the statement rests upon reliable testimony that this boy, growing up amidst profane, drinking moonshiners, managed to keep free of the vicious habits, and grew to manhood without indulging in profanity or whisky-drinking. From boyhood he appears to have developed a hatred for the whole accursed liquor traffic, and, like Abraham Lincoln, who swore eternal enmity against slavery when he first came in contact with its degenerating influences, Mac Day cultivated a spirit of opposition to the liquor traffic that made him a terror to evil-doers in after years. An amusing illustration of this trait of character is shown in an incident that happened when he was on the police force of Welch, W. Va. That was back in the days when business men believed that a town could not live prosperously without the licensed saloon. Welch had its full quota of such places. One of these dives was known as the "Old Oak Saloon." The bartender had a one-eyed cat, and a lot of customers who seemed to have no eyes. This cat found a litter of kittens, and the bartender kept them in a cage to attract the attention

of customers. One day he caught several young rats and put them in the cage, thinking it would afford some sport for the loafers about the place. But, instead of killing the rats, the old, one-eyed cat evidently mistook them for kittens and promptly adopted them. This was a great curiosity, and was a big advertisement. The aggregation was called the "Cat-a-rat-family," and attracted a great many people, who drank to the health of the strange kittens.

Policeman Day was passing the place on his rounds one day, when a friend, standing in the door, accosted him, and urged him to come in and see the strange spectacle. But Mac refused to go in, and rebuked his friend for loafing about such a den of iniquity. He said: "It is not a fit place for decent men to be seen, and you should be ashamed to go in there." A whole menagerie could not tempt him to show any favors to the liquor traffic, licensed or unlicensed. Day had seen enough of its terrible ravages among his own people to make him its sworn enemy, and he dedicated his life to the task of fighting to the bitter end this age-old foe of the human race. The prohibition cause had no finer champion.

When about thirteen years old Mac was brought down with a severe attack of typhoid fever, which, owing to the poverty of the family, and the lack of proper medical attention, nearly cost him his life. His strong constitution, and the mercy of Heaven, enabled him to successfully resist the malady. He was ill for many weeks, but finally recovered fully. His robust constitution and sober habits carried him through years of hardships and exposure to the elements, and, like Moses, he died at the time when his "eye was undimmed and his natural forces unabated." Down to the close of his career he was capable of going farther, enduring greater hardships, while eating and sleeping less than many younger men. It took a strong man to follow him on one of his raids either by day or by night.

After his mother married Jacob Keen, Mac continued to abide with them and assist in the work of the small farm till he was sixteen years of age. His foster-father gives him credit for having been a good, obedient, industrious boy, who never gave him any unusual trouble. From a youth he delighted in attending Sunday school when such an institution was within reach,

and the hero tales of the Bible charmed his boyish heart and inspired in his breast an ambition to imitate some of those great characters. The lessons learned from the volume of sacred lore was as good seed in good soil, and bore a bountiful harvest of the fruits of righteousness in after years.

With the growth of his vigorous body and development of his active mind, the cabin walls and steep cliffs along the Dismal cramped him, and the young man began to dream, as all boys do, and feel the urge of expanding life, and the desire for adventure out in the big, wide world where men contend for mastery.

The home ties were broken, greatly to the distress of his mother, who would have held him longer. But adventure and high purpose led the boy to turn his back on the scenes of childhood, and bravely face the responsibilities of manhood. This important step was taken about the time when the great development of West Virginia coal fields was getting well under way. The railroad had penetrated through the very heart of the vast territory, and tremendous activity was manifested on every hand. A heterogeneous, motley throng, from almost every nation

under heaven, was flocking into the land of high hopes and rapid riches. Hundreds of camps and new towns were springing into life and business activity. Open saloons and "blind tigers" flourished like green bay-trees during those hectic years. Every saloon had its gambling attachments, where masses of men played for high stakes and lost fortunes and life. Red-light districts overran respectable places and crowded them off the main streets, while the scarlet women plied their trade openly in broad daylight. Many towns gained an unenviable reputation miles away for being lurid vestibules through which multitudes passed to perdition. Robberies and murders were as common and open as the saloons and gambling-joints. Police and undertakers were kept busy by day, removing dead bodies from the streets and mopping up blood-spots to make room for more victims. To insure the speedy ruin of a green country boy, no more desirable spot could have been found on earth for the purpose. Strong men went down in defeat. Old, seasoned gunmen died with their boots on. Shrewd gamblers got cleaned up in a night and committed suicide to hide the humiliation; virtuous women became street-

walkers; Sunday-school superintendents and preachers became debased profligates. Few seemed strong enough to stem the flood of vice and debauchery that rolled in swelling floods down the Elkhorn Valley from Pocahontas to Williamson. Yet Mac Day, fresh and raw from the quiet hills about Dismal, was plunged into this seven-fold heated furnace of hell, and came out like the Hebrew children, without the smell of fire upon him. Here he got his first vision of the dark and seamy side of life, and it did not entice him from the path of virtue he had chosen to follow. The green boy from the country not only resisted the bright lights, gay company and fast life all about him, but managed, somehow, to secure good positions, saved his money, and got in a position to marry a good woman and establish a home of his own.

He even planned his affairs so that, while other young men were loafing about saloons, poolrooms and poker-tables, he was attending school during short winter sessions. This is a most remarkable evidence of the firm moral fiber of the boy, that was later more fully brought out in the man. The desire for knowledge was not crowded out in the mad scramble of work and money-making.



He attended school one winter at Bottom Creek, and during another winter he made his home with J. J. Scarberry, who very kindly helped the homeless boy carry out his worthy ambition to gain an education. Scarberry's son, now a prohibition officer, was Mac's schoolmate that winter. Only a boy of unusual courage and mettle would have been able to pass through such alluring temptations and tests of character as this and not fall beneath the shock or bend before the tide. But these experiences were used by Providence in fitting and disciplining the great crusader who, as the incomparable State and Federal officer, could enforce the law without fear or favor, and who was immune from fear, intimidation and corruption in carrying on his magnificent work for law and decency.

Mac Day was always persistently busy at something worth while. He used every position as a lever by which he might rise to a better and more useful station in life. His ambition for work was insatiable. He began work about the mines at Bottom Creek, and later began contracting for the delivery of timber for the mines there and at Deepwater. At the same time he leased some land and

carried on farming operations as a sideline. He found a near-by market for all his products about the camps. For a few months he worked in the railroad yards at Vivian overhauling damaged cars. While working at Bottom Creek, Mac kept bachelor's hall one year with George W. Milum, who managed the household affairs and did most of the cooking, while Mac worked in the timber. Day met Milum's sister, Charlotte Jane, a daughter of Henry Milum, a farmer living over near the Wyoming County line. Day's industry and economy had made it possible for him to plan for the gratification of his desire for a home. Charlotte Jane was a strong, sensible girl of pleasing personal charms, modest and industrious. She was a girl well suited to be a worthy companion of Mac Day, and to faithfully discharge the duties of a wife to the man destined to give so much of his life to public service. The two were of congenial minds and tastes, and lived happily together for more than a quarter of a century. They were married on Christmas Day, 1898, at Bottom Creek, W. Va. This gave Mac a settled home from which to carry on his activities. Charlotte Jane Milum had been brought

up to hard work and industrious habits. She at once took an active interest in the work of home-building, and aided her husband in clearing up land and cultivating the crop. And when Mac was called to fill public office, she, with their children, carried on the work of the farm. Both were strong and healthy in mind and body, and their children were heirs to that which is worth more than money—strong, healthy bodies and quick, active brains.

Twelve children came to bless the happily ordered union—eight stalwart boys and four charming girls—all of them living when the sudden death of the father made the first break in the home circle. It was a group of promising young Americans that would have delighted the heart and won the praise of Theodore Roosevelt. After the first tragic break in the family came, another followed closely upon the first. Just one month after the father was laid to rest under a bank of flowers, little Mildred Margaret, five years old, took her place at his side, the victim of pneumonia, and the bereaved wife suffered a second stroke of affliction in the loss of a child. But with characteristic courage she faces the future.

Mac Day loved his home and his family. Only his love for God and country surpassed it. The hardest trial of his public services was the enforced absence from home so much of his time. When at home his chief delight was in playing with the children and planning for their welfare. He was naturally of a social turn of mind, and his home was a center of social attractions for his many friends, and most especially of the brethren of the church, in whose society he found special delight. When at church near where he lived, he would issue a general invitation for all who chose to do so to come to his home for dinner. And then, gathering up a bunch of choice friends, he would almost force them to accompany him. This was a great treat, after listening to a long sermon, such as the mountain preachers were accustomed to deliver; for Mac was a good provider, and Charlotte Jane was a splendid cook.

Mac Day had an inborn talent for leadership and aptitude for official position. Others were quick to recognize this talent and make use of it. E. T. Spinkle, twice sheriff of McDowell County, and now of Roanoke, Va., gave him an appointment as

the first degrees in the mysteries of Odd Fellowship some years ago at Kimball, W. Va., in Lodge No. 58. Later he was transferred to Lodge No. 158, Welch, W. Va., where he continued an active member in good standing. He also became a member of the Knights of Pythias, and was serving as prelate at the time of his death. Mac took a deep interest in all the activities of his fraternal societies, and was a recognized leader in all good works. His talks to his fellow-craftsmen in the lodgeroom were real sermons on the true fraternal spirit. He always strove to impress upon them the vital importance of loyalty to the obligations and vows made, assuring them that if any of them so far forgot their relationship to their brethren as to violate the law and get in trouble, they need not expect any sympathy or help from him. In his mind a member of a fraternity ceased to be such when he became a deliberate law-breaker, and Mac felt that the act absolved him from his obligation to fellowship with the delinquent brethren. If all members of fraternal societies would take that position and maintain it, there would be an immense improvement in fraternalism and also in society. Members of fraternities who dishonor their

flag, and shame their country by being in league with the lawless and unpatriotic, hurt both their lodge and their country. Mac Day, everywhere and always, sought to improve the moral tone of every institution and individual with whom he might be associated.

An interesting glimpse into the heart of the man was revealed at the last meeting he attended with his Pythian brethren. This was on the Thursday night previous to that fateful Saturday morning. There arose a disagreement between some of the members over the matter of granting certain benefits to an unfortunate member. Under the strict legal application of the rules the man might not be entitled to benefits. The discussion went on for some time before Mac took any part. Finally he was moved to take the floor, and made a powerful appeal to interpret the rules on the broad, generous ground of the Golden Rule and true fraternalism, which was concerned more with the intent rather than the technical points of the rule. His speech ended the argument, and won over the sentiment of the brethren, and the benefits were granted. This event was a fitting climax to his services in the lodgeroom. Day believed in fraternalism as a strong agency



of religion to bind together large bodies of the best elements of society for mutual protection and for increasing the effectiveness of all, and propagating more widely the doctrine of "peace on earth, and good will to men." He could see no good ground for conflict between the church and lodge. The lodge was doing in a practical way what the church taught of the fundamental doctrine of human obligation. The great majority of the active fraternal men are also the active members of the church. These views of the fields of activities of lodge and church made Mac a most consistent and loyal member of both.

It was a matter of no little astonishment to many good people to discover after his death that Mac Day was a Klansman. To some of his friends this was a disappointment and an occasion of regret; but to any one familiar with the thought and character of Mac Day, and knowing anything of the aims and purposes of the Klan, this should have been no surprise. Mac Day was an intensely patriotic American. He was intensely Protestant. Protestant Americanism has been the ideal that has carried this nation to its high and commanding position among the nations of the earth. Mac was devoted to

the Constitution that gives force and aim to those Protestant American ideals. He believed that men worthy of the name "Protestant American" should honor and obey the laws passed in a constitutional way, under the sanction of the Constitution.

Hence, any organization pledged to back to the limit the Bible, the Christian religion, the Constitution and constitutional laws might be expected to have the enthusiastic support and active sympathy of men of his type. He was for anything at any time that would safeguard American ideals and strengthen the American Government. He, along with several million other real Americans, had received a tremendous shock when they made the disturbing discovery that in a time of great national peril there were several millions of people within our borders who were everything else but Americans. A great body of seditious, disloyal traitors to Christianity and constitutional government, secretly conspiring with alien powers and potentates to destroy the liberties for which they had no love, and to assassinate the Government that gave them protection. Like poisonous vipers striking in the dark, they obstructed the national program and stabbed

at the backs of the armies of liberty who were marching to the nation's defence. The country safely and magnificently won its way against its foes, overthrowing autocracy and defeating treachery, and came through the peril stronger and greater by the experiences of the conflict. But the enemies of our Government and foes of freedom are still in our midst. They have never departed from our shores and manifest no desire to do so. Conspiracy is still actively at work in our midst. Constitutional government is still openly and defiantly discredited and attacked by traitors who enjoy the freedom of the land.

To Mac Day's logical mind it was the most logical thing in the world for the Invisible Empire, Knights of the Ku Klux Klan, to appear under the banner of the fiery cross to summon patriotic, liberty-loving Protestant Americans to the guardianship of the sacred ark of the covenant which contains the charter for our liberties, for which our Protestant fathers pledged "their lives, their fortunes and their sacred honor."

Mac Day believed that the Bible was the one book to be kept free and open before the world. Enemies seek to close it. The Bible is the source and inspiration of all our na-

tional hopes and visions. It is the guardian of the accumulated treasures of six thousand years of advancing civilization. Insidious organized forces are constantly seeking to destroy the integrity of that Book and quench its life.

Having missed all the pleasures and advantages of a free-school education, Mac Day could more fully appreciate the system that gives rich and poor alike free access to the fountains of knowledge. He gave to this American institution his loyal support, and joined with his fellow-citizens who would protect the system from the slimy touch of the foes who seek its overthrow. Alien religions have gained a footing upon our shores, and zealously go about seeking to subdue the land. These religions are contrary and in deadly opposition to Protestantism. Why should Protestantism be denied the right to unite its forces on the universally admitted ground of self-preservation? Protestantism is another name for liberty—a thing for which millions have died, and for which millions more may yet be called upon to die.

Mac Day looked upon the great organization of the Ku Klux Klan as another movement of Divine Providence for evil times, to meet an

urgent need of the hour. And a host of Americans share his belief. The Invisible Empire is not a cause, but an effect. There must be below the surface a powerful cause to produce such a tremendous effect. If the well-meaning people who seek to destroy the Klan would address some of their misdirected efforts to removing the cause, they might accomplish better results. While the cause exists, the effect will remain. It ought to excite the concern of thoughtful Americans to know just why the Ku Klux Klan exists. The movement is not local nor sectional. It is as strong in the Everglades of Florida as "where rolls the Oregon"; as active among the orange groves of California as in the pine woods of Maine; as aggressive in the moonshiners' paradise of New York as in the bootleggers' haven of Texas.

It is not an alien, treasonable organization. Its members are confined to native-born, white Americans, who confess faith in the Christ of the New Testament, and swear allegiance to constitutional government and put honor above life. Let the student of great social and political earthquakes give some thought to this twentieth-century upheaval. Abuse is not argument. Ridicule

misses the mark. The Ku Klux Klan is an empire covering the country from ocean to ocean. Mac Day gave it his approval and hand of fellowship because he could not see any good reason why the enemies of the Bible, the enemies of the free public-school system, the enemies of constitutional law, the enemies of popular government, the enemies of Protestant Christianity, should be given a free hand to organize, while friends of these American institutions are damned and denounced for objecting to the destruction of everything that makes life worth living, and that casts a ray of hope upon the shores of eternity. The surprise is not that Mac Day was a loyal citizen of the Invisible Empire, but the wonder is that so many amiable, well-meaning people have not his keen discernment and the courage to carry out their convictions.

Eternal vigilance is only a part of the price of liberty. It has always been so that vigilance and blood are necessary to secure and maintain liberty. This truth holds good both in the material and spiritual realms.

American liberties are imperiled to-day as much as at any other period of our history. Her foes are just as many and as treacher-



ous, as murderous and cunning as ever. The disintegrating forces of evil are everywhere, aggressively working to plunge this country—and all civilization—into an abyss of anarchy. It was this conviction that moved Mac Day to dedicate himself body and soul to rekindle the fires of patriotism in the hearts of his fellow-citizens, and to revive a national worship at the altars of Liberty in the sacred temple of Freedom. With him it was a glorious privilege to stand in line with the soldiers of the army of emancipation that all down the ages have stood together in defence of the Christian ideals held before the eyes of mankind by the Teacher who “spake as never man spake,” and to him it was a solemn joy to feel that he might one day be privileged to take his place in the halls of the immortal martyrs to truth.

His devotion to his family, his loyalty to his friends, his steadfastness to his fraternal vows, his honest convictions of the truths of the Bible and heavenly origin and destiny of the church, and his unfaltering faith that held him to his duty, and the consecration that carried him into the jaws of death, altogether stamp him as a man worthy of the honor and admiration bestowed by men, and

of the higher honors and blessings bestowed upon him by the God whom he served and the Redeemer whom he trusted.

There is a mystic line of spiritual unity reaching beyond the vision of mortal eyes. A unity that links kindred souls in time and eternity. Death does not dissolve the unity, nor the fellowship. Abel, "being dead, yet speaketh." Mac Day's fraternal spirit abides with his brethren here as he mingles with the brethren yonder.

## VI.

### THE IDEAL OFFICER.

THE ideal officer of the law is a rare specimen of humanity. He occupies an elevation above his associates that few possess the talent or stability of character to reach. Or, having gained the pre-eminence, possess the courage and stamina to maintain the position. The qualities of mind and heart necessary to fill the position are seldom found in one person. The ideal officer must possess dauntless courage, and honesty of the highest degree. An honesty that keeps him free from the taint of corruption. His patriotism and loyalty to his country must be beyond question or a doubt. His fidelity to duty must be above all selfish interests and considerations. His regard for honor must be higher than his regard for life, and he must fear God as the ruler of the universe before whom he must one day stand and give an account of his private and official conduct. It is the universal, unsolicited testimony of men

who have for any length of time been associated with Mac Day in public life that he possessed these high qualities of idealism to a higher degree than any other man they had ever known. He seemed to have been a born officer, and to have inherited from some of his ancient ancestors his remarkable talents. Sheriffs, prohibition officials and judges of the State and Federal courts unite in giving Mac Day unstinted praise for honesty, truthfulness, fidelity to duty, patriotism and reverence for God.

Some men have lost their official positions through incompetency, some through dishonesty, and others through political changes. But Mac Day enjoys the honorable, unique distinction of having been twice fired for doing his duty. And but for the intervention of powerful friends, he, no doubt, would have been thrice honored in the same way. This unusual way of bestowing honors upon a faithful servant of the State was a remarkable tribute to Mac as a man and an officer. True, he was accused of all sorts of high crimes and misdemeanors. But no charges were ever sustained against him, except the one that he was just too zealous in enforcing the law, and conscientious in doing his duty.

He was even charged with being a Democrat—a most heinous crime in the Tug River Valley; one almost deserving capital punishment. Mac continued on the even tenor of his way, paying but little heed to the efforts made to dispose of an officer whose besetting sin was law enforcement, and whose only crime was faithfulness to his country, his wife and his God. He acted on the advice of an inspired writer who said, “Whatsoever thy hand findeth to do, do it with thy might.” When ordered by his superiors to do a certain piece of work, he went at it in a whole-hearted way that got results. Sometimes he went ahead and did it without orders. In executing his commission he came dangerously near the habitation of certain gentlemen who never could hope to travel along the moral heights where Mac daily trod. Mac took his office and his oath seriously, and conscientiously sought to fill his office and redeem the pledge he had registered in heaven. If men got in his way by violating the law, the responsibility rested with them. He tried to live up to the expectations of his superiors and merit their confidence. And it is a conspicuous fact that when the superior officer was sincerely doing his best to keep

his oath and enforce the law, Mac enjoyed his fullest confidence and intimate friendship. His real enemies were not among the native moonshiner population. The real mountaineer lawbreakers had a high regard for Mac Day's honesty and purpose, and an unbounded admiration for his fearless way of treating them all alike in his dealings with them. They would fight and defy him, but they would not deliberately lie about him, and when he outwitted them, which he most always did, they really felt it a compliment to have Mac arrest them. They kept on friendly terms with him, because they learned that he would never mistreat them, and they could always figure on securing a square deal in the court where Mac appeared against them. Being personally acquainted with nearly every one within the bounds of his operations, and knowing the circumstances of their lives, he was in a position to render a real service to the moonshiners and their families. He would explain to the judge little incidents and unfortunate conditions that would tend to soften the harsh sentence of the law. This, in many cases, relieved families from suffering extreme privations, with the result that the officer's humane generosity would touch the heart of



the violator of the law and lead to his reformation. The unhappy condition of the women and children, the real sufferers from the moonshiners' lawlessness, and the helpless victims of his punishment, always touched the heart of Mac. And, when he had to take one of these violators away from his family, he would comfort the distressed wife and mother by assuring her that it would not be long until the man would return. He would pat the whimpering children on the heads and sometimes take them in his arms and divert their attention from the dread of seeing "daddy" led away to prison. And, sometimes, when the scene was too much for his feelings, he would walk away down the road and call the other officers to bring the prisoner and come on. He had a deep sympathy for human woes. When Mac came into court with the distressing conditions of some of these scenes in his mind, he would, for a brief time, lay aside the dignity of his official position and so plead the cause of the accused man that the stern judge would relent and lighten the sentence. It is doubtful whether Mac ever read Shakespeare, or even heard of "The Merchant of Venice," but he had as clear a conception of how

to temper justice with mercy as the judge in that famous case, and with far happier results. He was never harsh nor unkind to the most hardened criminals, who gave him the most trouble. His aim was to arouse the better nature of the wayward man, and try to save him to his family and country. The punishment he sought to have inflicted was always toward this end. He would talk and sometimes preach to the erring ones and show them the folly of the career they were pursuing. As a result of this method of dealing with the lawless element of society, there are scores of law violators living in the mountains who have reformed and settled down to earn their living by honest toil, and who are helping to uphold the laws they once trampled beneath their feet. And to Mac Day's method of dealing with them they give much of the credit. Coming in contact with his strong personality, with his firm Christian character and high regard for his country's laws, these outlaws caught the vision of better citizenship and abandoned their evil ways. There were genuine grief and sincere mourning in many a mountain home where these men dwelt when the news spread up and down the hollows that their kind-hearted

friend was dead. "For," they said, "we have lost our best friend, who always treated us fairly. He never drank our liquor nor sold it for his own profit, as some have done." The mountain moonshiner has a supreme contempt for crooked officials who seek to use him for the crooked officials' personal gain as long as he can be used, and then make him the scapegoat when caught up with in their crookedness. There is some honor among mountain moonshiners, but none whatever among crooked politicians and officers. It was for this class that Mac Day never had any sympathy when they got what was due them. He was the natural enemy of the class of law violators upon whom kindness was wasted, and of men who disregarded their solemn oath to support the Constitution and laws. And this class was against him, as they are against every other man who thwarts their evil purposes to violate law, and interferes with their ungodly schemes to grow rich off their country's shame and the law's abuse. In Mac Day the whole un-American, stealthy, pussyfooting, motley crew of public foes to decent living and honest government saw a patriotic, God-fearing officer, beyond reach of intimidation and corruption. One who

lived on a higher plane than they, and one who stood like a mighty rock holding back the tide that threatened to inundate the laws. All methods used to reach and handle other men failed to move Mac Day. There were only two weapons left to use against a man like him—the venomous tongue of slander and the assassin's bullet. And, as so often happens, assassination won the day, and the outlawed, red-handed liquor traffic won one more temporary victory as it makes its slow retreat to the caverns of hell from whence it came.

On account of his position and powerful influence among the people, Day could have made a fortune without effort and spent his old age in ease and luxury. Others have done so, and his opportunities were unlimited. Such proceedings have been no uncommon thing. Where weaker men were tried and fell, Mac retained his integrity and kept on good terms with his conscience. With the word of God—the weapon used by the Master—he put Satan behind him and kept his soul unsullied. The darts of malicious slanderers struck his shield of faith and fell broken to the ground, or rebounded to the injury of the enemy hurling them. The only time Mac

was ever known to completely lose control of himself and become dangerous, was when he heard of one of those base slanders. It required all the best efforts of one of his most intimate friends to hold him back from using his gun, which he could use with such deadly results. The friends of Mac were sometimes fretted and uneasy on certain occasions when they had no means of successfully refuting the oft-repeated charges of corruption. But after his death his bank accounts and personal data of his financial transactions showed a clean record, and completely exonerated him of ever having been mixed up in any crooked deals, or of ever having handled a tainted penny.

Mac never denied that efforts were made to bribe him. He freely admitted the facts, and regarded it as a great piece of humor that the enemies of the Government should consider him worth buying. Every State and Federal prohibition officer is daily coming in contact with the emissaries of the outlawed liquor business, and is tempted to name his price. And it is a fine tribute to the high character and patriotism of these defenders of our political faith that so few of them yield to the accursed lure of easy

money and betray their country. Taking into consideration the paltry salaries these officers receive, the hard work they do, the risks they take, and the unfair criticisms they must endure, the great wonder is that more of them do not accept from the nation's enemies the money the Government ought to pay them for their heroic services.

Mac Day could have employed the same time, energy and diligence which he used in Government service in some line of business, and made a great deal more money than his salary amounted to, and could have enjoyed his home life, and might have been living to continue to enjoy his home and to afford protection to his family.

The enemies of society which Mac fought would have gladly let him name his own price for easing up on them and allowing them to more effectively flout the Constitution and nullify the law. Money is no object to the treasonable liquor interests where a good officer can be bought and brought into subjection to their wills. Buying Mac Day would have been a master stroke of business—if the liquor traffic can be properly called business. Buying him would have been capturing an army. Mac talked with his wife and a few of his



intimate friends of these efforts made to control his activities.

One very amusing case may be told without injury to the parties. To tell the details of all of them would be to politically dynamite a large section of southern West Virginia. Mac and John B. Harmon had arrested a foreigner on one of the branches of the Tug River and were carrying him to Welch. The man's wife, of immense size and masculine features, was going along to arrange bail. She had doubtless heard of the efforts made to get into Mac's good graces, and decided to try her hand on the way down. Mac and his prisoner were in front and Harmon and the woman on the rear seat. The woman mistook Harmon for the "Big Chief" and began to make advances to him with a view to saving her old man. Harmon, not relishing her love-making, told her that she was wasting her blandishments on the wrong man, and told her the "Big Chief" was on the front seat. Just as she was about to throw her arms about Mac's neck and give him a Russian bear-hug, Mac took out his handcuffs and threatened to lock up the whole bunch, Harmon included, if they did not keep quiet. An open attempt at bribery fell flat.

One of the most daring efforts made to win Mac over was an occasion when a man, calling himself cousin, went to Mac's home and spent the night, feeling him out on the subject. This man ingeniously approached Mac on the ground of friendship and a deep concern for his safety, and also on the ground of Mac's primal duty to his family.

"Cousin Mac," he said, "we all are powerful uneasy about you. We're feared you'll get bumped off one of these days, and we'd like to see you quit this job and stay home with your family. They need you."

"I know my family needs me," was Mac's reply, "and I know I am in some danger and have a hard job, but the Government needs me worse than anybody, and the Lord will take care of me if I do my duty."

"Let others do it," said the tempter. "All your friends is powerful worked up over it, and they'd be willin' to pay you to stay home. You're getting old and had ort to take things easier. Let the young men do the raidin' and you just knock about home and look after your farm."

"No," said Mac. "The men need me to show them the way. I know the country and the people better than anybody, and the law

must be enforced and the country saved from ruin. I won't send the other men where I won't go myself."

"But think of the money you can make," insinuatingly said the other. "We all have been talking it over, and we've agreed to pay you a thousand dollars a month to just loaf on the job and keep out of danger."

He mentioned names of those whose concern for Mac's welfare would induce them to pay him a thousand dollars a month to seek safety, at the cost of his soul. Mac knew all the parties, and knew they were well able to make good their pledge, and he believed they would do it if he agreed to his part. He could use a lot of money in improving his farm, educating his children and providing for his old age. And this was a lot of money and could be made so easily.

The man watched him closely for signs of yielding, plying him with arguments to prove why Mac should favorably consider the offer of his friends—always his *friends*. He saw Mac's face grow white and his big brown eyes narrow and darken, and heard him in cold, measured tones saying: "Tell *my friends* that I am not in this work for money. If I were, I could get more than they offer me. I am

in this work to save my country and to try to save my friends—my real friends—from hell—hell on earth and hell hereafter. The country needs my services to secure it from the grasp of lawless men. I am working to make this country a happier place for my children and your children to live in. I may die in line of duty, but I'll die a Christian and an honest citizen, and leave my family the heritage of a good name, which is worth more than riches. And I'll commit them to the tender mercies of a benevolent Providence and a grateful Government."

There was no more to say. The emissary was convinced of the hopelessness of his mission. He realized that here was a different type of man—one for whom bribes had no attractions, because he based his conduct on his solemn obligation to a higher power. Here is revealed a situation that will bear serious consideration on the part of good citizens. Uncle Sam's enemies put a higher value on Mac Day's services than Uncle Sam did. Uncle Sam was paying Mac the sum of \$175 a month to put himself up for a target for Uncle Sam's enemies to shoot at. These same enemies would willingly have paid him ten times as much to keep his mouth

and eyes shut while they shot Uncle Sam's Constitution full of holes and trampled his red, white and blue striped coat under their traitorous feet. Some of these days Uncle Sam is going to wake up and pay a lot of these patriotic, brave men of his a respectable salary for going out and letting daylight shine through a regiment or two of these God-despising, law-defying enemies of the social compact. It would be a magnificent sight—a sight to make angels shout and devils howl—to see dear old Mac leading that charge on the embattled hosts of darkness.

Mac was firmly convinced that he was called of God to enforce the prohibition law. Just as sure of it as he was that he had been called of God to preach the unsearchable riches of Christ. In his way of thinking it was all God's work. To make the country safe from lawlessness, and the people sober and industrious, was preparing the soil to receive the good seed of the kingdom wherein would bloom in beauty the flowers of paradise, and grow to perfection the fruits of righteousness. He performed the duties of both offices with the same conscientious zeal and consecration to his high calling. This conviction of duty and his downright hon-

esty gave to his testimony in court a tremendous weight with juries and judges. His testimony would weigh against half a dozen violators of the law. As one judge remarked (after listening to the testimony of several men who contradicted Mac): "I know that Mac Day would not tell a lie, much less swear to it." This became such a common occurrence that frequently lawbreakers who fell into Mac's hands would make no defence, but confess judgment and plead for mercy. In Day's sight, all violators of law looked alike, whether riding in a last year's Ford or in a Franklin sedan, whether living in a cabin at the head of the creek or in the aristocratic section of a city. The law must be vindicated, no matter who were the offenders. He arrested and testified against his own kinsmen on several occasions. One of them was an uncle, eighty years old, who had befriended Mac when he was a child. The violation of the law cost the old man five hundred dollars. He remarked, when paying his fine: "That's what a man gets for helping to raise a d—d ungrateful boy." One of his own boys got entangled in the meshes of the law, and Mac, with true Spartan courage, appeared against him and urged the judge



to give the young lawbreaker the maximum penalty, saying, "It may make a man of him." And it did. If the country had more daddies with the same amount of moral courage, there would not be so much need of enlarging prisons and reform schools, and the supply of electricity could be reduced considerably.

## VII.

### THE CRUSADER.

**M**AC DAY was often severely criticized by many good people who could not understand him. His way of thinking was different, and his ideas of duty to church and state contrary to theirs. His conceptions of the relations of religion to politics were clearer and more correct than those of his critics. He believed that religion was not something to seek for, but something to be done in accordance with the will of God; and that politics—true politics—is the science of good government. His reasoning powers were stronger and his judgments of things right and wrong were clearer than those of the faultfinders. By reason of their minds going along different lines of thought, many people were shocked—or professed to be—at the way he mixed his politics with his religion. To their minds it was a more incongruous and dangerous combination of the ingredients than that

of their own moonshine liquor. It was horrifying to their pious souls to see a man in the pulpit on Sunday preaching the gospel of the Prince of peace, and on other days of the week to see him armed with deadly weapons, chasing, arresting and sometimes shooting his fellow-men. It is said that one reverend gentleman of clerical garb and religious profession had his righteous soul so vexed over this unholy alliance between God and Cæsar that he could not content himself to remain in the same atmosphere that Mac breathed. If Mac came into a room where he was, the reverend would at once leave the room, to express his feelings of abhorrence of this Dr. Jekyll and Mr. Hyde combination of Mac's nature. This unreasonable antagonism was based on almost universal ignorance of the purposes of the church and of the State, including ignorance of the duties of ministers and public officials. To the average mind religion is a thing entirely separate and apart from the affairs of government. There is a common belief that one can not be a good Christian and at the same time take an active part in political affairs. Just where these ideas had their origin is difficult to determine.

They certainly never came from the Bible, the Book religionists profess to believe and obey. The Bible gives one all the practical knowledge he may gain of God and the duties of man. The Bible, in almost every book of the sacred volume, reveals that religion and civil government are inseparably woven together, and that the civil Government that attempts to live without religion soon loses its "place in the sun." Religion and civil government are from the same divine source, and both are conferred upon the human race for the happiness of man and the glory of God. The ignorant critics who sat in judgment upon Mac Day's conduct, and who sit upon the judgment-seat to condemn all other public officers who are striving to enforce the law, unctuously quote with tiresome reiteration, "Thou shalt not kill." These wiseacres, who can quote Scripture so freely, forget that a text may be so disconnected from the setting of the context that it will prove too much. "Thou shalt not kill," standing alone, proves that it is sinful to take any life, under any condition. It would not only forbid killing a human being, but deprive every human being of the right to live. It would prevent one from killing man, beast or reptile in self-de-

fense, or in defense of his family. It would forbid one from felling a tree, plucking a flower, or destroying a mad dog. It would stop the cultivation of the soil, the spraying of the fruit-trees or the consumption of the fruit therefrom. It would stop scientists from making war upon deadly germs, thus depriving physicians of aid in checking the ravages of disease. It is well for society that these lopsided dreamers never gain a large following. The entire fabric of the maudlin sentimentalists who make war upon the law against murder is built upon a mistranslation of one Scripture text. The revised version of the Bible quotes it "Thou shalt do no murder," which correctly states the meaning of the Author. The Ten Commandments were addressed to the Jews individually, and not collectively, in their national organization. The individual is forbidden to commit a murder. But, if he does, is there no punishment threatened? The same Bible that forbids murder commands the taking of human life to expiate the crime. The same God who gave the command to Moses forbidding murder, at a much earlier date gave the same command to Noah, and gave the reason why he required the life of

the murderer. God's first criminal statute was promulgated in a newly renovated world, from which at one terrible stroke he had swept the race, after having found them guilty of capital offences. In this first law for human guidance in organized society, God gives a reason for the law which, as long as man inhabits this globe, will make capital punishment a necessity. His reason is one of the most solemn statements found in human language. "Whoso sheddeth man's blood, by man shall his blood be shed." This is the unrepealed law of Heaven. Here is the divine reason for its enforcement: "For in the image of God made he man." Just as long as man bears the image of his Maker, it will be the duty of the state to inflict capital punishment upon the willful murderer. He not only robs a human being of his life, but he insults God, whose image is stamped upon the murdered victim. If the state fails to do its duty, then the state stands convicted of condoning a crime which God says can not be condoned. God is the author of organized religion in the church, and also the author of organized society in the state. The family, the church and the state are a trinity of divine institutions,



ordained of God for man's present and future happiness. The state is founded with laws and penalties attached for protecting the home and religious rights of the citizens and to guarantee to all the privileges of liberty and the possession of personal property. Laws are made to protect the weak, restrain the strong and punish the violent. The servants of the church and the servants of the state are all the servants of God. One is just as sacred as the other. The humblest godly civil official of the state discharging his duties is just as much the minister of God as the Reverend Doctor of Divinity in priestly robes in the pulpit. The God who gave the preacher a message, and clothed him with power and authority to proclaim it, has clothed the state official with power to enforce the laws of the state. Both are God's ministers according to the Bible, for the high and holy purpose of serving God in securing man's happiness and welfare. And there is no Scriptural reason why any good man, having the ability, should not fill an office in church and state at one and the same time.

Jesus of Nazareth preached peace and good will on the mountainside, then went

into His Father's house and by force drove out a band of ecclesiastical grafters who were dishonoring it. In both instances, He was doing the will of God, and as much the Saviour of the world at one time as the other. He recognized the right of Cæsar to inflict capital punishment upon Him. He put the blame of His death upon Caiaphas, the high priest, who, by conspiracy, forced Pilate's hand, and drove him to pass sentence upon an innocent man.

Before social compacts were formed, the individual protected his own life and that of his family under the common law of necessity. This law permitted him to kill enemies in defense of life and other inalienable rights. When governments were organized, the individual surrendered some of his personal rights in exchange for the larger benefits derived from the compact. In consideration of certain taxes paid the state guaranteed to relieve the individual of the duty of protecting himself in his civil and religious rights and liberties. The right to kill in self-defense in a sudden emergency was never surrendered by the individual.

The state, in fulfilling its part in this mutual agreement, must make laws to this

end, and must have power to execute them. For when the laws are not observed and executed, then government ceases to function, and the state has failed to keep its part of the agreement. Penalties for violations of law are graded to match the enormity of the crime.

In the mind of the Lawmaker of the universe, the willful murderer forfeits his right to live. And upon the state, God's instrument for the protection of society, is placed the solemn responsibility of executing the divine decree. If the state condones the crime through the weakness of public moral sentiment, and refuses to obey the decree of Heaven, then the state merits the condemnation of its Author. And God has often punished states for their failures to do His will. When the state fails to adequately protect the life and property of its citizenship against the vicious element of society, it has repudiated the solemn compact, and is guilty of receiving money (taxes) under false pretenses. The state is dishonored by every citizen who lends support and sympathy to the criminal in his efforts to defeat the ends of justice. Obedience to constitutional government is obedience to God.

In the Jewish commonwealth—the only government in which God ever took a personal and immediate hand in forming—the Ten Commandments formed the constitution. Statutes to enforce its provisions were based upon the constitution. One of these statutes relates to the crime of murder. This statute, as in the day of Noah, decreed that premeditated murder was a capital offence, for which there was no palliation. And God's reason for a law so drastic was just as unchangeable as the reason given to Noah: "Ye shall take no ransom for the life of a murderer. But he shall surely be put to death. So ye shall not pollute the land wherein ye are, for blood it polluteth the land, and no expiation can be made for the land, for the blood that is shed therein, but *by the blood of him that shed it.*"

It is an awful thing to contemplate the destiny of this nation, wherein so much innocent, unavenged blood polluteth the land, and where the murderers who shed the blood are permitted to go free to perpetrate fresh crimes against society. In this irreverent, reckless age in which the word of God is scoffed at and His laws insulted, civil government has drifted dangerously near to the

brink of anarchy. Lawlessness is winked at, crime condoned and ransoms taken from murderers through maudlin sympathy of jurors and judges, and public indifference.

Mac Day was a close Bible student. He learned these eternally true principles of human life. He recognized his responsibility in both religious and civil government. He learned from the great Teacher that he owed to God and Cæsar certain obligations. And from Paul that civil rulers are not a terror to good citizens, but only to the lawless and disobedient. He learned that civil ministers and religious ministers are all God's ministers, and equally responsible to Him for the faithful performance of duty. The apostle Peter taught him that all good Christian citizens are commanded to honor all civil rulers and to pray for them in order that the people may live happily and undisturbed. Mac could not understand why good people should be required to honor and pray for public officials, and then be denied the right to help elect officials whom they could honor and pray for with some assurance that their prayers would do some good. He could see no inconsistency in aspiring to minister before God either in the pulpit or in honoring

his country and her officers by helping them to enforce the law, without which the Government and the church will both fail. He regarded the Constitution and the constitutional laws as sacred for their purposes as the teaching of prophets and apostles. Men of narrow vision could not grasp the meaning of this. They crawled in the narrow grooves. He walked on the mountain-tops. They dwelt in the darkness of human opinions. He is the light of God's eternal truth. When remonstrated with by one of his preaching brethren for acting as an officer, he replied: "I am doing more than all you preachers. I am putting the fear of God in the hearts of the outlaws through the law and making it possible for you men to hold your services undisturbed. I make it possible for people to attend your services unmolested by evil-doers." And that was true. There were places where church services could not be conducted, roads that women and children could not travel in safety, places where good people were warned to leave, their houses burned and their lives threatened and some killed, until many were forced to flee for their lives. Then Mac Day led his crusade for law and order into those wild recesses



of the mountain outlaws' abodes, and cleared the way for a return of gospel ministry and peaceful living. And some of those desperadoes, now good citizens, are helping to keep open the highways that were blazed by Mac Day, who fought and preached his way into their hearts.

At the funeral services over his body, a good woman, with tears in her eyes, came to the preacher and thanked him for the words spoken in appreciation of Mac's great work on behalf of the good people. She said: "In the lonely hours of the night, out here in the hills with my children, I always felt perfectly safe, for I knew that somewhere out in the woods Mac Day was trailing down the men who made us women feel afraid. But now I don't know what we will do." She expressed the feelings of thousands of other good people, whose hearts were swept by an icy wave of dread, bordering on terror, when his career closed so suddenly. To the law-ob-serving portion of the communities in which he operated he was like "a great rock in a weary land."

The last sermon he preached on South Fork of Tug River was in November, 1924. He preached where only a little while before

meetings had been broken up, men murdered, houses burned and good people forced to seek safety in flight. A great throng heard this sermon. Mac preached with unusual fervor. Many were there whom he had fought and arrested and caused to be punished, but now most of them peaceable citizens—some Christians.

Mac spoke of his work and of the great joy he felt at seeing his hard work bearing fruit in changed social conditions and reformed lives. He said: "I have labored and preached to save my country and my friends from ruin. The work is hard and dangerous, but if I can keep on doing good I don't mind the work or the danger." His closing words were: "If I am killed defending my country, I am ready to go. If it is God's will that I should die in doing my duty, I am ready to make the sacrifice in behalf of my country."

Mac had the same feeling of having conscientiously done his duty after bringing some outlaw to the bar of justice as he had after preaching a gospel sermon and baptizing a sinner. In both events he was following the deepest convictions of his soul. Peter the Hermit never preached with more

fiery zeal to arouse the people to a great crusade than Mac did to arouse the people to love and honor their country. And Richard the lion-hearted never fought more heroically to rescue the imaginary tomb of the risen Lord from the hands of the cruel Turks than Day fought to rescue his beloved State from the unspeakable liquor traffic. He fought valiantly to save the Constitution from going down under the feet of the lawless mob. When urged by his anxious wife to abandon his dangerous work and come home to her and the children, it was an appeal that went straight to the heart. His reply was: "What will become of the people and the country? They need me and I must not go back on them." "But," insisted his wife, "what will become of us if you are killed?" "God will provide for you," he answered solemnly. With the true crusader spirit, he turned his back on his dearest and best friends when they stood in the way of the work he had sworn to do. He had engaged to fight till death with that age-old demon Rum. From a child he had been familiar with its deadly work among his own people, and had seen the miseries entailed upon helpless women and children by its degrading influence.

To destroy this evil power was a task that aroused his fighting blood, and gave him a giant's strength for the conflict.

One of Mac's children was sick one time, dangerously ill. The father prayed long and earnestly at the critical time. He promised the Lord that if the child was spared he would strive to be a more consistent Christian. The child lived, and after that it was observed that Mac prayed oftener, read his Bible more regularly, preached with more power and fought the enemies of the Government a little harder. The only time that he was heard to complain was when he felt that some officers were not giving him the proper support, and he suspected them of being too much in sympathy with the violators of the law. He spoke scornfully of the conduct of one officer on an occasion when the officer had refused to give his consent to the arrest of a certain moonshiner. The excuse given was that the lawbreaker was too valuable a man to the party. It aroused Mac's ire for a public official to put his party's success ahead of the country's welfare. On another occasion a certain officer told Mac that he would not break up a certain gang of moonshiners because they were all good

friends of his, and he couldn't afford to make enemies of them. Mac said: "Tell me where they are and I'll get them. I would arrest my best friends, or anybody else, caught violating the law." Mac only had one friend where the observance of the law was concerned. That was his country. He broke with one of the oldest and best friends he ever had, and refused pointblank to support his friend for public office, because the friend had disappointed him in his attitude toward liquor. He would not tolerate in his best friends what he knew the best people were opposed to. Mac would go for thirty hours without sleep and with little food, and lie on the cold, wet ground until his clothing froze to the ground. He would locate a still ready to operate, and then stay by it until he captured the operator. Once, after a day and night of constant vigil, in extremely cold weather, he came to a friend's house for his breakfast, and fell fast asleep at the table, like a child tired out after playing all day. On another occasion he stopped overnight with his friend and brother officer, D. B. Gillespie. He wanted to make an early start on a raid. Mrs. Gillespie got up very early to prepare breakfast for him. She tried to

slip downstairs without disturbing him. As she passed his open door he was on his knees by his bed praying, his gray locks falling over the pillow. He was putting on his armor, ready for the battle of the day. He was charged by the moonshiners with wearing a steel armor, which protected him from their bullets. He had often been a target for their guns, but was never hit. Mac answered their charge by saying: "I do wear an armor, but not a steel one. It is the one the Lord prepared for me, and the one Paul advised all Christians to wear. I feel safe in that uniform from the darts of the wicked." Mac was doing a great work for the Lord, and he was conscious of the Lord's presence and help as he went about his work. He always had need of that spiritual armor, for he was often assailed by the darts of malice and detraction. He was branded as a dangerous killer, who delighted in scenes of bloodshed and gun-play. Numerous killings had been laid at his door on account of false reports and baseless rumors. The truth is that covering a period of a quarter of a century, in which he was engaged in various public positions, county, State and Federal, during a period when the coal field was overrun by



notorious criminals, Mac never killed but two men, and possibly a third. He was on duty more continuously over a longer period, and made more arrests of bad men, than any other officer in the field. He was shot at, waylaid and conspired against time after time. He often refrained from shooting men when others would have done so. Killing was repulsive to him, and he never used his gun except in extreme cases. In making raids he invariably cautioned his men against using their guns unnecessarily, and always took the lead to set the example. In his reluctance to use his gun may be found the immediate cause of his being in the grave to-day. He gave the assassin too much leeway.

The killing of Jim Allen (Mac's first) was purely an accident, for which Allen was responsible. Allen was known as a desperate character. He had been sent to the penitentiary for life, after conviction of the crime of murder. By one of those mysterious abuses of the pardoning power, he had been turned loose upon society. He showed his appreciation of executive clemency by going on another rampage which brought him under the restraining hand of the law. Officer A. C. Hufford arrested him, disarmed him,

and brought him before the justice of the peace, who committed him to jail for several months. Mac Day, as jailor, took Allen in charge and started to lock him up. Allen swore that he would not go, and stated that he would rather die than to be imprisoned again. Day knew Allen quite well, and advised him to submit peaceably to the mandates of the law. When they had arrived almost at the jail door, Allen suddenly broke away and ran down the street. Day drew his gun and began shooting in the street near Allen's feet, endeavoring to stop his flight. The sidewalk was considerably higher than the street. Allen jumped from the walk into the street, stumbled and fell forward just as Mac fired. Allen was struck in the back, and got his wish to die in preference to going to jail. If Allen had escaped, Day would have been blamed for allowing a dangerous man to get away. Mac was under oath to do his duty in keeping his prisoners under restraint. An eminent judge remarked: "Society lost nothing in the death of Allen, and may have been the gainer. Therefore, it was manifestly unfair to criticize a good officer for an accident which the prisoner brought upon himself." Nevertheless, the unfortu-

nate accident preyed upon Mac's mind for many months, and he often discussed it with his spiritual counselor, Elder Robinson, and was deeply distressed to have been the unwitting cause of the accident. Personally, he would rather have allowed Allen to escape than to have killed him. But officially he was obliged to uphold the dignity of the court which had placed Allen in his keeping.

While acting as chief of police in the city of Welch, Mac shot and killed a negro desperado. This negro had been terrorizing the colored section of the city, and boasting that Mac Day could never arrest him. The negro was heavily armed and craving action. He was especially anxious to have a meeting with the chief of police. The chief heard of his performances and boasts, and went to meet him. They met on the street and the chief laid his hand on the negro's shoulder, commanding him in the name of the law to surrender. The negro reached for his gun and had it displayed. The chief's movements were the shade of a second quicker than the negro's, and the negro woke up in Hades with a bullet-hole through his head before he realized what had taken place in Welch, W. Va. Nobody but the negro ever regretted

that killing. It was a plain case of a dead good officer or a good dead negro outlaw. The public was well satisfied with the results of that meeting.

In the killing of Noah Short, it is quite impossible to tell who fired the fatal shot. A battle was in progress, with nine men scattered through the bushes using their guns freely. Short was the only one killed. It is claimed by people familiar with what took place that Short was accidentally killed by one of his own men. Delbert Shy said that he killed Short. Mac admitted that he might have done it. There will always be room for disagreement on the subject. The only feature of the killing necessary to notice here is that Short was killed while in the act of violating the law, and while resisting arrest by the legally authorized agents of the United States Government, under which he lived. Mac Day happened to be one of the officers representing the Government on that fatal day. As an officer, Mac made hundreds of raids in the strongholds of outlaws, made numerous arrests, took great risks, but under all the trying circumstances he avoided, whenever possible, the use of his gun. The charge that he was a cold-blooded killer, delighting in carnage,

is as baseless as it is base and unjust. It is a cruel slander upon one of the most generous and kind-hearted officers who ever wore a badge of authority, and had to deal daily with the criminal class. He went to his work with prayers in his heart that he might avoid the necessity of killing or being killed. And after the raid was over, and the work successfully finished and his prayers answered, he came back, no matter how tired, singing hymns of praise to God for His boundless mercy and saving grace. It is impossible for a man of reasonable judgment to believe that a man like Mac Day would ever kill any one without good and adequate cause.

One doctrine of the predestinarians that Mac seems to have absorbed is that everything that ever happens was foreordained to happen before the foundation of the world. Mac got the idea in his head that he was foreordained never to be killed by a moonshiner. He often said so when his distressed wife would worry over the possibility of his death by violence. Mac would reassure her by saying: "Don't you worry about me. No lawless moonshiner will ever get the drop on me, or kill me." His faith in the power and willingness of Providence to protect him was sub-

lime. He never expected to die at the hand of his country's enemies. Three days before the end came, he was in Squire A. C. Huford's office. Chief of Police Tyree, Robert L. Taylor, Ell Watkins and H. E. Yost were present and the men were talking on the subject of their work. Every man present bore some scar of previous battles except Day. Taylor remarked that it was a peculiar circumstance that in view of all Mac's battles and narrow escapes, he had been so much more fortunate than the others. With a whimsical smile and upward look, Mac pointed his finger heavenward and said: "I am protected and watched over by a higher power." His trust was in the Lord and his ways committed unto Him.

On February 4th he took his last degrees in Odd Fellowship, and on the night of Friday, the 13th, he went to the office of the secretary, J. W. Luther, to get receipts for dues paid. Mr. Luther spoke to him about the great danger he was in and the need of caution, since he had enemies who would rejoice over his death. Mac's reply, as usual, was: "The Lord is on my side, and I have no fear. And if I am killed I am ready to go." He had absolutely committed his ways unto the



Lord, to live or die as the Lord willed, and had no fears of the future.

The supreme confidence which Mac had in the Lord's protection, and that his work was a heavenly calling, made him cool and fearless in the face of death, and often led him to take desperate risks in dealing with desperate characters. But his audacity and courage, coupled with his apparent miraculous preservation from harm, gave him a mighty power over the people he was dealing with. Many of them, especially colored people, regarded him with a sort of superstitious awe. Many of them, seeing Mac at the head of a raiding party, would throw up their hands in a hopeless sort of way, as much as to say, "What's the use? The booger man has got us." His appearance in an outlying community would cause as much stir among the inhabitants of the underworld as a Governor's visit or a circus. Many moonshiners refrained from trying to kill Mac, because they, like he, had come to the conclusion that it had been foreordained otherwise, and they feared to fight against eternal decree.

## VIII.

### TRAILING BIG GAME.

SINCE the days of Nimrod, the mighty hunter before the Lord, the chase has been the king of sports. It is a universal enjoyment confined to no nation or times. The bigger the game, the more thrilling the sport. The zest for the sport and the thrills derived from it increase with the size of the game hunted. This is only offset where the intelligence or savage nature of the creatures hunted makes up for deficiency in size. A fox-chase is rendered more exciting because of the intelligence of the fox. Cunning added to fleetness of foot makes the pursuit more interesting. For these reasons a man-hunt caps the climax of thrilling sport. Add to the fact that the man hunted is not only very intelligent and cunning, but also a dangerously bad man, and armed to the teeth with weapons in the use of which he is skillfully trained, and you have reached the climax of thrilling sport. It is this very human craving

for excitement that leads every real boy to resolve to be a policeman or a soldier. For the same reason some men become detectives and enter the lists of those seeking to destroy the liquor power. Fighting the organized forces that are striving to nullify the Constitution and making a mock of law is a thrilling enterprise that attracts men. It is not the small salaries nor the desire to kill that lures men into the law-enforcement army, but the keen joy of matching wits with the lawless class and beating them at laying traps and playing the game. The moonshiners display a great deal of foxy shrewdness in concealing their operations, and it requires shrewdness of a high order to outwit them.

Mac Day entered upon the duties of enforcing the prohibition law from religious and patriotic motives, but there is no denying the fact that as a real sportsman he greatly enjoyed the thrills of hunting the violators of the law and discovering their secret hiding-places. The pleasures derived from pursuing this big game compensate for the long tramps, tedious vigils and exposure to the elements. It is a hard life, but it has its bright sides. Mac Day was an honorable

sportsman, and took no unworthy advantage of the men he hunted. They all testified that he gave them a square deal, and they made no complaint when he beat them at the game of hide-and-seek. The moonshiners and bootleggers set themselves up to violate the law and challenge the Government to come and get them, and Mac Day, on behalf of the Government, accepted the challenge. He was a born detective and woodsman. He was the best trailer in the mountains, and when he found signs of moonshiners' movements (and they always leave signs), he seldom ever went wrong in trailing them to their place of operation. He had the most uncanny way of mind-reading that astonished his coworkers, when he would ferret out just how the outlaws would act, and what they would say when discovered. This power was not lost upon the outlaws. They dreaded him above all others, and called him the "booger man." When the law violators got wind of Mac's coming, as they did sometimes, the word was passed along, "Lay low; the booger man's coming." Mothers would frighten disobedient children into submission by threatening them with the "booger man." Children, and some grown-ups, would gaze at him as he

passed along, with a feeling that a "Jack the giantkiller" was before them.

Mac one time made use of this dread of him to capture a female bootlegger who was too shrewd to get caught easily. She did not know Mac personally. He rushed into her house, crying: "The booger man is coming. Hide your liquor or pour it out, quick!" The woman rushed to a closet and dragged out several gallons of whisky and started to pour it out. "Hold on," said Mac, quietly. "The booger man's got you."

Mac would trail the signs left by moonshiners through brush and over cliffs, where others could see nothing, and seldom ever failed in his judgment of where he would find the still. Then he would watch it like a cat watching a mouse until he caught his man. Day and night he could find his way where others got lost. He was familiar with all the roads and trails, and on the darkest night he could sense his location just as a river steamboat pilot can. He reports having watched a still continuously for three days and nights before the men fell into his trap. He crawled on his stomach for a mile or more up a rocky creek bed in pitch darkness, barking his shins and knees and getting wet

to the skin, only to find that his prey had been warned and kept away. But Mac kept at it till he won. He heard of a still in a wild section of the country, run by three men who had declared that Day could not take them. They were armed with high-power guns. Day went into the neighborhood and tried to get help, but could get none. He had a boy driving his car. Rather than go back defeated, Mac decided to make the attempt single-handed. He drove as far as he could, and told the boy to listen, and if he heard shooting, and he did not return in a reasonable length of time, to go for help. Then, slipping into the woods, he got down by a tree and prayed for help and protection. It began raining hard. The rain made so much noise rattling on the leaves that Mac could advance without being heard. He kept behind trees and bushes so that he would not be seen. He approached near enough to see the men. The rain had driven them from their work at the still. They had set their guns against a big spruce-tree, and, with their backs to the tree, were protecting the guns with their bodies. Mac crawled down until he stood unobserved behind a tree. The men did not imagine that he was within miles of them. With



a quick movement, Mac stood before them smiling, and said: "Howdy, boys? The booger man's got you. It's a little damp, isn't it?" The men were dumfounded and gazed into the muzzle of his gun as though not sure whether it was the booger man in the flesh or in the spirit. Mac threw them handcuffs and made them handcuff each other, and led them out. He came upon a man just in the act of running off some liquor. A pan of hot liquor was on the ground between the man and his gun. As Mac challenged him to put up his hands, the man stooped over the pan to grab his gun. Mac's gun popped, and the man's face was splashed full of hot liquor, temporarily blinding him. His hands went up, and Mac said: "That's right, son. Next time I might have cut you in two."

Mac and John D. Harmon went on a raid where two notoriously bad men were at work. After coming into the vicinity of the still, Mac appeared to be depressed, and, turning to Harmon, said, "How are you feeling, Uncle John?"

"All right," was the reply.

After a pause, Mac said earnestly, "Uncle John, do you feel like dying by my side this morning?"

“Yes,” said Harmon, slowly, “if it is necessary.”

They talked awhile longer, and Mac suddenly brightened up, and, slapping Harmon on the back, said: “Come on, Uncle John. It’s all right. The Lord is on our side, and we will win.” And it turned out so. The men were completely surprised, and surrendered without a word of protest.

Greenbrier County had for a long time been under the domination of a powerful gang of outlaws. All efforts to get them had failed, because, somehow, they got information of the officers’ movements and kept out of their way. The moonshiners kept their movements well guarded through the help of numerous friends. Mac Day went in there alone in disguise, declaring that he would get that gang if it took him a year. He made his headquarters at White Sulphur Springs with Squire N. C. Beckner, who rendered Mac a great deal of valuable assistance. After locating some of the men wanted, and securing valuable information of their movements, Mac came out and organized a big raiding party of Federal and State officers. The campaign lasted ten days, and was eminently successful. They captured

the "old warhorse," upon whose ungodly head the frosts of fourscore years had fallen, and a number of his lieutenants and a great quantity of the contraband liquor. A picture of this raid appears on the jacket, so that the reader may get a better idea of how the work goes on. Looking from left to right, is Mac Day in his working-clothes, and holding his gun; E. J. Simmons, Federal officer; C. E. Hawks, State trooper; Ell Watkins, State officer, and D. E. Sprague, Federal officer. Four moonshiners in center. The one sitting on the log was shot in the leg while trying to escape. R. L. Taylor, next to the moonshiners, and H. H. Williams, both Federal officers. Cecil Patton, driver of the car. Behind Day and Simmons stand the mother and sweetheart of the man sitting, and farther down the line are his sister and neighbor. State Trooper Walter D. Creasy snapped the picture, and does not appear. The picture shows Mac Day in his characteristic pose and garb, as he day after day kept on the trail of those who engaged in lawlessness. He was so highly pleased over the outcome of this campaign that, though they were all very much worn-out, he kept his men singing all the way home. He made them sing, even

though they could not raise a tune or strike a note correctly. It was the spirit of the thing he was after. For accomplishing this fine piece of work, Mac received a special letter of commendation from the State Federal Prohibition Director.

Once upon a time Mac led a raiding party to Lick Branch and North Fork, and, after a thrilling experience, brought back to Welch a still, a quantity of liquor, two automobiles, a woman and twenty-three men. The prisoners were lodged in the county jail, and the same night the party went on to Gary and brought in sixteen colored gentlemen who had been amusing themselves with an entertaining game of "African Golf."

One time while serving as policeman at Welch, he, with an assistant, went out on a hill near town one pleasant Sunday afternoon, and marched into the city leading eighty-two colored men who had been devoting the afternoon to their national sport. As they paraded up the street to the court-house, it looked like a holiday parade of the "Independent Order of the Sons of I Will Arise," under police protection.

In trying to penetrate an especially difficult region in quest of some bad lawbreakers

who were always on the lookout for him, Mac made use of a big cowbell, which he rattled from to time in imitation of a cow feeding among the bushes. Before the astonished men knew what was going on, Mac stood in their midst, smilingly inviting them to show their hands.

It is not an unusual thing in hunting for big game to find the tables turned, and the hunter gets hunted. This happened one time in Day's experience. While acting as jailor during the term of Sheriff F. C. Bralley, Mac had several hard customers in his keeping. During the day the prisoners were allowed in the public corridor, and at night were locked in their cells. One evening as Mac was putting the men in their cells, he was suddenly sat upon by a burly negro who caught him from behind and pinioned his arms. Other prisoners came to the negro's aid, and Mac was bound and gagged. The negro took Mac's pistol, a cap-and-ball Derringer, and, pressing it against his side, tried twice to fire it by pulling the trigger. The negro's lack of knowledge of a Derringer doubtless saved Mac's life. A trusty gave the alarm as the prisoners were fleeing. All were captured but one, who got into the mountains.

Together with John B. Harmon, Mac was going up the river above Welch, investigating some law violations. They passed a house occupied by negroes, who seemed to be having an hilarious time. Suspecting liquor was on the ground, Mac stepped over to investigate, Harmon following him at a little distance. A negro was standing in the yard. Mac ignored him, and stepped up near the door. As the light fell on Mac, the negro recognized him. Harmon, who was behind the negro, saw his hand slip back to his hip pocket with a quick motion. Instantly Harmon leaped upon him and grabbed the gun as it came into view. Day never seemed to think that he was in any real danger. He had too much confidence in his power over negro desperadoes.

R. L. Taylor and Mac were on a raid once where two men were working at a still. They closed in on the men from opposite sides. The men ran, one going by Day. Mac decided that he could run his man down without shooting him, and when he was nearly upon his man, his foot caught in a limb and Mac fell headlong down the hill. His gun was discharged, the bullet barely missing Mac's head. The moonshiner, thinking he was the



target Day was practicing on, nearly ran himself to death.

A prominent citizen of Welch, who was one of Day's friends, made a visit to Wyoming County. As he was about to return to his home, some one made him a present of a quart of brandy. The bottle was carefully packed in the man's handbag, and he came to Welch on the train. Mac was at the depot when the train came in, and as the gentleman stepped off the train, Mac stepped up and said sternly, "Give me that bag, you rascal." The man was convinced that some one had betrayed him, and, without question, handed over the bag. His heart was in his mouth as Mac took him by the arm and started up the street. Visions of the jail cell were flitting before his mind's eye. He started to explain matters several times, but Mac kept breaking in with bits of conversation that kept him from it. Just when things were becoming most serious, Mac caught sight of another man whom he wished to see, and, handing the bag back, bade the gentleman good day. It was some time before the man's pulse became normal, for he knew Mac Day well enough to know that if Mac had suspected the contents of that bag it would

have been "good night and pleasant dreams," and jail for him. It was a long time before Mac heard the joke, and he expressed a keen regret that he missed such a fine chance of capturing big game.

On one occasion, while serving as chief of police, the mayor had given him orders to enforce the law without regard to the feelings of any one, high or low. Mac took the orders at their face value. Not long after this the mayor was on the street and saw Mac coming toward him in company with a prominent citizen and a lady. The mayor spoke, and was passing on, when Mac hailed him, and asked him to come to the mayor's office.

"What do you want with me up there?" demanded the mayor, in some surprise.

"Got prisoners here who are violating the law," was the reply of the officer.

The mayor was very much perplexed, but the gentleman in Mac's company saved the situation by saying, "Come on up to the office, Mayor, and I'll pay my fine without any further notoriety."

Mac didn't agree to the theory that there is one law for the high-up and another for

the low-down fellow. All lawbreakers were low-down in his eye.

It was this way of his that made him very unpopular in certain social circles where he operated. But there was always a marked improvement in the moral tone of the community. When chief of police in Welch the last time, Mac extended his activities outside the city limits. He found out that there was some connection between local interests and outside moonshiners which greatly hampered his work of policing the city. He decided to attempt to break the connection. The United States marshal had found it almost impossible to break up a bootlegging combination in the county for similar reasons. Every attempt he had made to get certain men was frustrated by some one revealing his plans in advance. He decided to try a new plan. He brought in some outside officers, and engaged Mac to go with them, as he was thoroughly familiar with the Bottom Creek section, where the work was to be done. The marshal and Mac were the only people in Welch who knew the raid was coming off. The enterprise was a huge success, and a bunch of notorious violators of the law, who imagined that they were beyond its reach,

had a rude awakening. Bottom Creek is nearly ten miles from Welch, and when the strong arm of the law fell like a lightning stroke from a clear sky, Welch appeared to be shocked worse than Bottom Creek. And when it came out that Welch's noted chief of police had annexed Bottom Creek, and was helping to run the affairs of the whole United States, the staid, provincial city dads of Welch decided that Mac, in his zeal for fighting outlaws, had taken in too much territory. There also appeared to be some sort of secret wire connection between the two towns, and Mac recklessly stepped on one of these wires with disastrous results. He was decapitated, figuratively and politically speaking. Mac was undismayed by the sudden flare-back of the raid, and assured the gentlemen who controlled the secret wires that he meant to keep stepping on them until he broke the connection between the dirty liquor traffic and rotten politics. And he was making good that promise, for McDowell County, W. Va., has changed from one of the wettest counties to the driest. The political atmosphere has been wonderfully purified. Welch is one of the cleanest, most orderly, prosperous, church-going cities in the

State, and old days, with wet ways, are no more. And men who damned Mac Day are now praising him; men who fought the cause he represented are now trying to fill the great gap made by his passing. On the dark day when the tramping multitudes sadly passed by his bier, with tear-dimmed eyes, gazing into that cold, white face, their eyes were suddenly opened to a realization that a good and great man had been walking by their sides and they knew him not. And passing down the mountainside from the new-made grave that hid his face from them, there was a new light in the eyes of that multitude, and a new purpose in their hearts that would have filled Mac's soul with joy if he could have seen. A joy that would have set him singing praises to God in a higher key than he sang when coming back from successful missions. In the providence of God, who "moves in a mysterious way, His wonders to perform," it may turn out that Malcolm Malachi Day accomplished more for his beloved county, State and nation by his death than he could have accomplished by living.

## IX.

### KILLING OF NOAH SHORT.

**T**HE killing of Noah Short occurred less than three months after Mac Day had received his appointment as Federal agent. The battle which culminated in Short's death was the most spectacular and thrilling event in all of Mac's life of thrilling events, and one that spread his fame far and near. It established his reputation as a guardian of constitutional law, a reputation that increased with the years of his active service.

Short was no ordinary violator of the law. He was far above the average moonshiner in intelligence and social standing. He did not have the ordinary excuse of the moonshiner for engaging in the illegal traffic; that is, poverty and need of money. He owned a good farm, and, as men are rated in the mountains, well-to-do. He had everything to lose by engaging in the violation of law, and nothing to gain. He lived in Wyoming County, about eighteen miles from Welch. He was a



man of middle life, and had a great many friends, some of them good citizens, who advised him against the manner of life he was leading.

It is said by some of his friends that he got mixed up in the liquor business because he liked good liquor, and could not get any from the moonshiners that suited his taste. After making a start in the broad way of life, he found it easier going forward than turning back, and found a liking for the wild, lawless company. There was also a financial profit in the traffic for awhile. He is reported to have been a domineering, daring sort of man who imagined that he could bluff his way over the officers and defiantly do as he pleased. The policy worked well for a time, until he ran into some officers who could not be bluffed, and who refused to sanction the defiance of law. That is the inevitable outcome of law violation, but men are slow to learn the fact, and, as a consequence, they come to grief and involve their friends in trouble.

Short was considered a dangerous man, and regarded as the leader of a dangerous band of lawless characters in Wyoming County. He had been operating for some

time about Twin Branch and Davy, and somehow had managed to avoid a collision with the officers of the law. This may have emboldened him to become less cautious and more daring.

On Apr. 23, 1920, Officer P. R. Tyree received a message that Short was in the neighborhood of Davy with a load of liquor, and to look after him. Tyree had never formed the acquaintance of Short, and didn't know him by sight, but, acting on his information, he went to Davy along in the evening to find his man, and found him very unexpectedly. The officer met a man riding a horse, and stepped up to his side, politely asking him if he knew Mr. Short, and had seen him. The man peered down into the face of the officer, and, without a word, whipped out a pistol and fired point-blank at him. The bullet tore a gaping hole in Tyree's left cheek and lodged behind his ear, paralyzing the left side of his face. He was momentarily dazed and knocked to the ground, blood spurting from the wound. If Short had used a gun of heavier caliber, the shot would have proved fatal. Short turned his horse and fled in the gathering darkness, after the cowardly attempt to kill the officer. Badly hurt as he

was, not knowing but that he was dying, Tyree, true to his orders to get Short, turned over on his stomach, rested his gun on his left arm and fired twice. Short was hit in the leg and shoulder, and tumbled from his horse. The two men were hurried to the hospital at Welch, and, in due time, both recovered. Tyree, who now holds Mac Day's former job as chief of police, and carries a bullet in the side of his head to remember Short by, avers that if he had known at the time that Noah Short and he were in the same hospital, he would have saved Mac Day or anybody else the trouble of killing him. And any one looking into the cold glitter of those steady eyes, could easily believe that he would have done so. Short had been severely wounded in the shoulder, and was still nursing his hurts when killed. He had been released under bond for his attempt on Tyree's life, and, instead of heeding the warning and advice of friends, had gone back to his old habits.

Officer Day had been to Wyoming investigating conditions, and gained some valuable information in regard to the location and movements of Short's gang. He returned to Welch and laid plans for a drive on the noto-

rious outlaws. Selecting three other men, he went to United States Marshal J. Henderson Mitchell and invited him to go along. Mitchell, knowing the neighborhood and people better than Mac, refused to go, protesting that the force was entirely too small to cope with the dangerous situation. Day tried to increase his force and failed. Nobody but he seemed anxious to invade Wyoming. Again he tried to induce the marshal to go, but he positively rejected the proposition on the ground that the expedition was not only bound to fail, but might end disastrously. And but for the help of Providence which so long watched over the footsteps of Mac Day, the marshal's prediction would have been verified. This is one clear case where the Lord certainly took a hand in helping Mac out of a mighty tight place.

In the confidence which he always manifested in his ability to do things, Mac, disregarding the warning, led his little force directly into the stronghold of the enemy. Once he decided upon a line of operations, he refused to be swerved from his purpose. He was not foolhardy or reckless, but, as he so often said, he was trusting in the help of a higher power. When they reached the neigh-

borhood of the enemy's stronghold, they very unexpectedly came upon one of the gang coming out on his way home with some liquor. He was detained and questioned by the officer. He talked freely, and assured them that there was no one at the still, and told where it was. He seemed overanxious to have them go on up and destroy it. His apparent sincerity deceived the officers, and they acted on his suggestion. The foxy old moonshiner was laying a cunningly concealed trap to capture the officers and give his pals a chance to hunt the hunters. Mac Day's coolness saved the situation, and also the lives of the party.

Mac left two men to guard the prisoner, and, taking Delbert Shy, another Federal officer, with him, proceeded up a little creek to destroy the still. They never mistrusted the moonshiner's story, and were expecting no opposition.

The reports show that on the night preceding the battle Noah Short had dreamed a dream which strongly impressed his mind. In the morning he told his wife of it. In the dream he saw himself attempting to cross a deep, swift-flowing river, on a coal-black horse. When about midway of the stream they both suddenly went under the

dark flood. Mrs. Short was greatly disturbed over the dream, and begged Noah to stay away from his associates that day. Noah seems to have been impressed, and remained about the house for several hours, doing odd jobs. But the lure of the woods was upon him. He knew the men were out there making a run of liquor, and he couldn't resist the desire to be with them. The men had worked all morning, and had been drinking freely of the liquor. Noah Short had joined them, and the guards had been called in to sample the fresh liquor. They were standing in a group on an elevation, and Short was rehearsing his remarkable dream to them between drinks. Day and Shy, unaware of their danger, were approaching the scene. As they rounded a turn in the trail, Short had concluded his story, and cried out, "Boys, here they come." Two very much surprised officers were facing seven heavily armed, half-drunk outlaws. It was a tense moment, one to test the courage and nerve of the officers. They were not far apart. Retreat was impossible, if they had desired it. Mac's quick eye swept the field at a glance. He saw the high-power guns of the moonshiners stacked against a tree several yards from the men.



Quick as a panther, he sprang between the men and their rifles, depriving them of half their means of defense. In getting between the men and their guns, Mac had placed himself in the open, where he was a fair target for the pistols of the moonshiners. Shy had the protection of the bank the enemy occupied. Most of the moonshiners scattered about in the bushes, but Noah Short held his ground and fought to the death. The odds were more than two to one against the officers, but they didn't have time to count the odds. It was fight or die, and they stood as good a chance of dying while fighting. Mac's demand to put up their hands was not heeded. These men were not the sort that put up their hands on the first invitation, especially where there are but two officers issuing the command. One of the moonshiners got behind Mac Day, and was aiming at his head. Shy saw him and shot first, wounding the moonshiner. Another one went down crippled. Short fell with a bullet through his body. As he fell the remaining outlaws fled into the woods, and the fight ended. It has been charged that Noah Short was shot while holding up his hands. This is true, but he was holding them up with a loaded pistol in his grasp, doing his best to

kill the officers of the Government. His hands were not up with any intention of surrendering. Up to the moment he fell dead with a smoking gun in his hand, he and his gang felt confident that they would kill those two officers and continue to defy the Government these two men represented. But, with the death of the chief, the others lost heart and fled.

It was all over in a few lurid moments, and the two officers could scarcely believe that they were unharmed and victors of the field. Recovering from the excitement of the brief conflict, they realized that the United States marshal had judged rightly, and that they had taken a bigger contract than they could put over without more help. It was decided to make a strategic retreat. Most of the moonshiners had escaped, and would spread the news of Short's death. Short's friends were numerous, and while many were not in sympathy with Short's conduct, they would resent his killing, and might decide to avenge his death. The officers destroyed the still and the liquor, gathered up the captured guns and came out, bringing along the foxy old chap who had so cunningly laid his trap for them. His surprise on seeing them return must have

been great, but he didn't manifest it. This battle created a great sensation throughout the mountain region, as the news spread rapidly over the country. For some strange reason the officers, especially Day, were severely criticized over the affair. The critics seemed to think the officers ought to have let the outlaws kill them. They were abused and threatened by the liquor interests, but the confidence of the good people was greatly strengthened. Both sides realized that here was a force to be reckoned with. One man, at least, who meant business in enforcing the law. From that date of July 13, 1920, there was a marked check to the brazen, defiant attitude of the outlaws in all the territory where Mac Day operated.

The violators and their sympathizers were loud in their complaints of Mac's strong-arm methods of dealing with them. The whole responsibility for the tragic outcome of that battle was heaped with added abuse upon his head. He was branded as a killer, simply because he had dared to protect his country and his own life against a band of lawless murderers. There was no way of proving that he had killed Noah Short. But proof was not what Mac's enemies wanted.

They were after him. Delbert Shy swore that he killed Short, and well-informed people believe that Short was shot by his own men accidentally. Mac admitted that he may have fired the fatal shot. He was pumping lead about as fast as he well could, and he was no ordinary marksman. On a certain occasion Mac, with a party of eight men, captured some liquor contained in fruit-jars. It was decided to use the jars of liquor as targets and see who could spill the most of it. At the distance marked off, Mac Day was the only man in the crowd who could hit the jars. None of the men in the crowd were inexperienced boys, either.

It is not a matter of great importance as to who did the killing. Let the reader bear in mind the main facts. Here were two legal agents of the United States Government, under the authority of the Constitution and the protection of the flag, out in that lawless region, seeking to enforce the law of the land. They were suddenly brought face to face with seven armed rebels against the Government who refused to yield to that authority, and made an attack on the Government officials. With the recollection of the recent experience of Officer Tyree with

the leader of that band of rebels, these officers well knew that their own lives depended upon the skill with which they handled the guns the Government allowed its defenders to use. They were facing a desperate foe, and neither asked nor granted quarter. If Mac Day had killed Noah Short and every law-defying man in the crowd, he would have been deserving of praise and honor just as much as the boys in blue who broke the backbone of rebellion at Gettysburg.

If men of good common sense throw off the restraining influence of good government and defiantly go out to violate the law of the Government that gives them protection, and get themselves killed in the transaction, they deserve no sympathy from any law-abiding, decent citizen. Their blood and their shame are upon their own heads. And no officer of the Government, who in line of duty is required to kill these enemies of civilized society, merits any censure for the act. The support of constitutional government and obedience to the laws formed to uphold the Government, is the first and paramount duty of every good citizen, and to resist to the death, if need be, every enemy whosoever and whatsoever that would weaken and destroy government,

is a patriotic obligation that God lays upon the conscience of every citizen, and for which He will hold citizens to account in the day of judgment.

It is a matter for sincere congratulation and thanksgiving that Mac Day and Delbert Shy came out of that fierce fight unscathed and unwhipped. All honor to the brave defenders of the nation's honor and life against the vicious enemies who would, if unhindered, destroy both.

Let the carping, unpatriotic critic of faithful public officers remember that these men are on the firing-line day after day, facing hardships, danger and death that the critic and his family may rest in comfortable security behind the constitutional breastworks, laws observed and enforced. And while the critic's family thus rests in peace and happiness, the families of these heroic officers never see one moment's peace. They are never for one moment free from dread and anxiety while the officer is on duty. Day and night they wait in dread for the sound of the footfall of the messenger of evil tidings. The shadow of impending disaster always hangs dark and foreboding over their homes. They read the mounting list of casualties



among the defenders of law and order, and know that the next name may be that of their own loved one—shot down by the murderous crew that would willfully stab at the Government through its defenders, and wreck civilization to gratify the depraved appetites of their own selfishness.

If you are a self-respecting American and a God-fearing Christian, give your sympathies and support to your country's friends, and not to its degenerate enemies.

## X.

### SIDELIGHTS.

**I**N the ordinary course of human activities, men more or less mask their feelings and thought from their associates while in public. That makes the reading of human character more difficult, and judgment of men's conduct is less reliable. But in private life masks are laid aside and the real individual is seen. When one sits down alone to express his thoughts to another at a distance by correspondence, the soul is laid bare and the truer character revealed. This is especially true when the writer has no idea that the correspondence will ever be made public.

It was this way with Mac Day. In ordinary matters Mac was often frank and free-spoken, but in regard to his work and plans for a campaign he was reserved and taciturn. His fellow-officers sometimes complained because he would not talk with them. He complained that some of them talked too much, and gave away his plans, not intention-

ally, but by talking carelessly. On all important movements he kept his own counsel. Others learned to have confidence in his judgment and followed him, not knowing where they were going or what after. He attributed much of his success to this habit of keeping his movements covered.

In his correspondence from time to time there come out thoughts and expressions that make more clear the feelings and emotions that swept through his heart. In his correspondence with the Federal Department we find much that reveals clearly the value he placed upon law observance, and of the dignity of the high place Federal officers occupied under the law. Through the courtesy and assistance of the State Federal Department, the reader is given a glimpse into the inner workings of Mac's mind, as day by day he carried out his commission. These sidelights reveal his true and splendid character in a fuller expression of the real Mac Day. In all his correspondence with his superior officers, the fact stands forth boldly that the paramount thought and desire of his heart was to magnify constitutional government and destroy the liquor traffic. This was his religion, and he conscientiously preached it

and practiced it, as he worshiped at the altars set up by the fathers. He magnified his office, and honored every public position he ever held. He held in high esteem the Federal and State officers with whom he labored, but lacked confidence in a great many of the county officers, for, as he believed, most of them received their appointments, not upon merit or fitness, but as a reward for petty services in local political contests. There were a few men whom he often mentioned by name, men in whom he had the utmost confidence for courage and loyalty. Writing of them on one occasion, he said proudly, "We four can do anything." He had reference to G. J. Simmons, Robert L. Taylor and Ell Watkins.

After attending a special meeting at Huntington for instructions in their duties as officers, Mac wrote Director Charles H. Ahrens:

DEAR MR. AHRANS:—The two days' schooling we had at Huntington will, if heeded, be of great benefit to all agents. I was glad to meet Mr. Whiting and Mr. Bee. Bee expressed it all when he said "that we should do the work so as to give credit to the department." I feel sure we are working for a great cause, and we should do the work so that it will give credit

to the Prohibition Department and to God and all  
that is good.

Yours, M. M. DAY,  
Federal Pro. Agent.

When J. H. Gadd received the appointment of prohibition director of West Virginia, Mac wrote him:

WELCH, W. Va., Apr. 5, 1923.

DEAR MR. GADD:—I know you personally, and I know you are in this work because the good people of Mercer County endorsed you. You will sure have my support. Anything I can do to help the work along, I am here to do it. I know you want me to make good. If you will give me two men to work with me all the time, I can go anywhere the work is to be done. That would make a raiding party. I know how to work and plan a raid. Agent R. L. Taylor can vouch for that, and all the men I ever worked with.

With best wishes for your success, I remain,

Yours, M. M. DAY, Federal Pro. Agent.

In returning a questionnaire sent him to fill out, by Mr. Gadd, Mac wrote in his humorous and enlightening vein:

DEAR MR. GADD:—You will find enclosed my questionnaire, properly signed.

Referring to my education, I am a graduate of my day, but those days have gone forever. The old log schoolhouses have given way to frame and brick. And the old teachers with whiskers about five or six

inches long are no more. Our old preachers and docters that used to teach are gone, and their places filled with more up-to-date teachers. When we would ask those old fellows how to apply our grammar, they would tell us they didn't know, and that they couldn't see any use for it anyway.

With best wishes, I remain, Yours,  
M. M. DAY, Federal Pro. Agent.

Mac, who was sometimes slow in reporting his work, was sharply reminded of his neglect by the department director on one occasion, and asked to give further explanations for delaying his daily report. Mac sent in the following unadorned tale of a week's activities that seemed to him to be sufficient grounds for a failure to meet the demands of a lot of office red tape. The director appears to have agreed with him, and no doubt the reader will.

DEAR MR. GADD:—As you asked me for further explanations for my delay in sending my daily reports, will say I was working day and night, and away from home. I had not time to breathe, or anything else. You can see by my reports that I worked up to the time I would begin my vacation, and now I have to do my office work on the time I should be resting. I had some help, and wanted to do the work while I could. On the 7th we walked about twenty miles through the snow and over the hills to 8 P. M. on the 8th. We had to walk back, and destroyed two outfits on the



way. That night worked to 6:15 A. M., and slept to 11:30 A. M. Went out Sunday and worked all day and got two prisoners and three stills. The 10th I had seven prisoners in jail, and had to give them a hearing before the commissioner. The 11th we arrested five prisoners and destroyed two stills.

(Signed) M. M. DAY, Federal Pro. Agent.

Writing Mr. Gadd under date of Dec. 3, 1923, concerning a proposed raid, he expressed his views on the probability of the undertaking failing. Then he revealed his loyalty to the wishes of his chief, by declaring his willingness to go anywhere at any time. Mac had the spirit and courage of a true soldier.

DEAR MR. GADD:—With reference to the raid to be undertaken on Panther Creek, will say that the Panther on that part of it is just twenty miles from the railroad. With bad weather, we could not make it at this time of year. That is one of the raids I have been wanting to make for a long time. Unless we know just what time the still would be in operation, it would be useless to go. I have had a lot of experience on the Panther Creek, and every time I have had to wade the water from the mouth to the head. The only time to make the raid successfully would be at night, and unless we have a bunch of men who will properly co-operate, it would mean a lot of hardships to undergo for nothing. If I can get some agents that don't mind hiking, I have a man who knows all about the creek

ready to go at any time. I have a lot of good information at Peterstown, on the Virginia side, to be worked, and I would be glad to go there. *I am ready to go anywhere at any time.* Sincerely yours,

M. M. DAY, Federal Pro. Agent.

In making application for a ten days' leave of absence, which he was entitled to have under the law, he reserved the privilege of going to work when he thought best. This was his usual habit. He never took a full ten days' vacation. He would start in to do so after a period of exhausting tramps and night vigils. Then he would hear of a still in operation somewhere, or a bootlegger at work, and Mac could not rest nor sleep till he went out and got the violators.

DEAR MR. GADD:—You will find enclosed application for ten days' leave of absence, from March 12 to 22. I want to reserve the right to work, when I think it necessary, and I can be of any service.

Faithfully yours,

M. M. DAY, Federal Pro. Agent.

Under date of Nov. 5, 1924, he sent in a report for the previous month, which he considered to be rather a poor one. But the report shows that in eighteen days of active service he had captured fifty-one men and women, placing them under bond, and at the

same time had assisted in capturing twenty-five or thirty more. Besides this he had destroyed a great quantity of contraband liquor and manufacturing paraphernalia. In explaining the extra heavy expense account and delay in reporting, he says:

My expense account is considerably longer than ever before, but you will appreciate the fact that I have others than prohibition agents working with me, putting all the expense on me. But I do not begrudge the money spent, as I think I have got my money's worth. I have gotten myself in the position to work too fast, and, as you can see, have worked overtime, most of the time not having enough sleep. This makes it very hard to get up my reports as I should. Hope you will bear with me in the mistakes.

Sincerely yours,

M. M. DAY, Federal Pro. Agent.

On Apr. 1, 1924, Mac wrote Mr. Gadd, advising against a certain raid being made that had been already planned. He threw considerable light on the difficulties which he and other Federal officers encountered in dealing with local situations.

DEAR MR. GADD:—In replying to yours just received, will say that if you could look out this morning on the mountains of McDowell County, you might change your mind as to the raid in Monroe and Greenbrier Counties. I was out last night up to 3 A. M.,

and got a still, and got very wet. The rain just poured down like there was nothing to stop it. I am watching three stills now, going from one to the other. If they ever operate I will catch them. Taylor, Watkins and I watched one three days last week, and finally landed our men. They were very bad men, were armed, and making threats of what they would do if I came up on them. The work here has gotten very bad. There will have to be something done, as it is getting close to the primary, and the wet element will do all they can to carry this election with liquor, as usual.

With best wishes for our success, I remain,

Yours, M. M. DAY, Federal Pro. Agent.

After a very successful raid in Greenbrier County, he wrote Mr. Gadd briefly of the event:

DEAR MR. GADD:—Just a few lines in regard to our Greenbrier raid. We did the best we could. Worked two days in Monroe County, without any results, except to get some information. When we hit White Sulphur Springs we began work on the information I had, and made the best raid ever made in Greenbrier County. It was made on the 26th day of July, my birthday. I knew we would make good on that day, as I have not missed one in four years. The four men we caught are criminals all right, and have robbed the good people and sold liquor and run their bluff by drawing rifles on men and threatening them, until the good people were glad when they were caught. We got five outfits. Did not get all the men, as they were tipped off after the first raid, and only got one more

man by accident. We want to go back there, and would like for you to make the same arrangements to send Simmons, Taylor, Watkins and me. We four can do anything. Mr. Simmons is surely some agent.

Yours, M. M. DAY, Federal Pro. Agent.

In granting Mac's request for a return date on August 20, Mr. Gadd wrote as follows:

I am in receipt of your two letters of August 4, and I am well pleased with what you accomplished on your trip to Greenbrier County, and, aside from the actual results accomplished, the moral effect will be far-reaching, and the people in that section will learn that we are still on the job.

You did a fine piece of work on your birthday, and it is regretted that your birthdays do not occur oftener, and that you still remain young.

Mac's readiness to work anywhere at any time is revealed in the following brief letter on Aug. 8, 1924, during his vacation period. The work called him, and he was better contented to respond to the call than to enjoy. It made him tired to see law violators going on, and seemed to rest him to go after them.

DEAR MR. GADD:—It looks like I will have to go to work, and I have made arrangements with Taylor and Watkins to assist me next week. There is quite a lot of information coming in just now that will have to be looked after. I am sending some information from

Stone, Pike County, Ky. They seem to want some aid and can't get it.

You may advise some plan. If you want me to give them this help, I will be very glad to do so.

Yours, M. M. DAY, Federal Pro. Agent.

Expressing his high appreciation of Day's services, and feeling that his pay was not adequate to his worth as a tireless, trustworthy servant, Mr. Gadd wrote to Washington, recommending a raise in salary. For some reason it was not granted.

JAN. 31, 1924.

HON. JAMES E. JONES, Assistant Prohibition Commissioner, Washington, D. C.

*Dear Mr. Jones:*—Agent M. M. Day has been employed in this office since May, 1920, and the records of this office, as well as your office, will show that he has obtained more results than any other one agent in this State. I have personally known of Mr. Day's work since he began as Federal prohibition agent, and it is very seldom that he ever loses a case in the Federal Court. He is very zealous in his work, and does not stop to eat or sleep as long as he is on a fresh trail, and if there is any way that he can be paid more money than he is now receiving, I would most earnestly recommend that his basic salary be fixed at \$2,400, as he is certainly worth that to the department.

At the term of Federal Court just closed in Bluefield, \$20,707 in fines was collected in cash, out of



something over \$24,000 in fines imposed, and out of the \$20,707 collected, approximately \$15,000 of this amount was realized from cases made by Agent Day. In some of these cases he was assisted by other agents, but the cases were made on information that came to Mr. Day, and, while I have no means of knowing what other agents are doing in other States, I dare say there are few agents that have obtained the results that Agent Day had to his credit. Therefore, I trust you will give this matter your personal attention and advise me whether it is possible under the law and regulations to consider an increase in his salary.

Yours sincerely,

J. H. GADD, Federal Prohibition Director.

His last official letter, on file, still reveals the unflagging zeal of the patriotic crusader, and his burning desire to go anywhere at any time, and through any dangers. It may be added by way of parenthesis that Mr. Gadd, acting on the information in this letter, sent by a good woman of Smithfield, ordered the local agent to take up the matter. He did so, and closed out the illegal operation.

KIMBALL, W. Va., Jan. 12, 1925.

HON. J. H. GADD, Federal Pro. Director, Charleston,  
W. Va.

*Dear Mr. Gadd:*—I am sending you an anonymous letter sent to me at Bluefield, from Smithfield, W. Va., which is out of my territory. But if you want me to

go there I will. It seems that the agents there ought to do that work. It has been delayed by coming to Bluefield. I guess they think I live all over the State.

Sincerely yours,

M. M. DAY, Federal Pro. Agent.



L. N. Lambert (the author), Ell Watkins and Robert L. Taylor at porch where Mac Day was killed. Watkins and Taylor avenged him (See Chapter XI)

Scene of killing of Mac Day. (L. N. Lambert, Mac Day's successor, posing in Mac's place.) (See Chapter XI.)





## XI.

### SUNSET ON BELCHER MOUNTAIN.

**W**HILE living in Welch in early days, when the city was but a village, and lands were comparatively cheap, Mac acquired several pieces of property and held them. The growth of the city greatly increased the value of these properties. It was the legitimate growth in the value of these properties that gave Mac the wealth he possessed, and not, as was charged, malfeasance in office. He had a series of misfortunes which involved him in serious losses. None of these things seemed to dishearten him. They only acted as a spur to urge him on. Once, while using an ax, he split his leg open, a misfortune which laid him up for several months. Twice he had his house burned down, with practically all the contents. The first time he carried no insurance, and the second time not nearly enough. While serving as deputy sheriff and jailor under Sheriff E. C. Bralley, he secured the

appointment of night policeman, in order to earn extra money to rebuild his house destroyed by fire. He worked this double shift for nine months, giving entire satisfaction in both positions. Both positions were exacting and hazardous. The former night policeman, Edward Wyatt, had been assassinated by some unidentified individual one night. Mac always believed that he knew who did the killing, and believed that the same person tried to waylay him and kill him. The presence of Mrs. Day, who accompanied Mac to town that night, frustrated the scheme. Welch kept open house for rough rounders in those boom days, and an officer's position was one requiring courage and alertness. Mac measured up to all the requirements.

When appointed chief of police in April, 1919, Mac was also made street commissioner at the same time. His salary for the dual position was \$125 a month, and his orders were to work from 7 A. M. to 7 P. M. The eight-hour law did not apply then. In November his salary was increased to \$150 a month. But the records do not show how much more the hours were increased. Mac was not an eye-servant, one who watches the clock and the boss most of the time, but he



devoted all his time and energy to the task in hand.

About the time his activities as chief of police expired, or, rather, abruptly terminated, Mac traded all his city property for a very fine farm on Belcher Mountain, about five miles northeast of Welch. It was the urgent persuasions of his wife, who was desirous that he would retire from public life, which prompted him to go to the farm. He had done this once before. In 1914 he moved out to a farm near Gary, where the family spent four very happy and prosperous years, free from worry and anxiety of serving as an officer. While at Gary, during the turbulent period of the World War, Mac served as a special guard at the Gary mines. It was against the earnest protests of his family and his own financial interests that he left the farm to go back to Welch. The good people of the city—men and women—petitioned him to return and redeem the place from lawlessness, and protect their homes. Such an appeal was one Mac never could resist. So, against the wishes of his family and his own personal interests, he yielded to the public demand once more, and put on his uniform.

He now goes to the Belcher Mountain farm with the intention of devoting his time and energies to the development of its resources, and to spend more time at home. He assured his wife of this purpose to her great delight, and no doubt, at the time, he meant to do so. Then the call and opportunity came, the call of the Federal Government, to a wider field of useful service. That call was like a bugle-blast to a trained soldier, and Mac lost interest in farming. The call could not be resisted, and, against the tears and urging of his wife, he enlists in the Federal service to fight the enemies seeking to destroy the Government. The farm and family interests were sadly neglected during the years of ceaseless warfare which he waged against the forces of evil.

Belcher Mountain farm was a charming place. The land was rough, but under a good state of cultivation. The brow and sides of the hills were covered with a thrifty, well-kept apple orchard. From the high points of the farm a magnificent panorama of natural beauty unfolded before the vision, rolling away toward the south, west and north, miles upon miles of mountain ridges and valleys between. It was a spot of quiet

beauty, where one might love to retire, far from strife and turmoil of public life, to watch the beautiful sunsets beyond the wooded heights, and make preparation for the final sunset when the curtain of night drops over the scenes of earth.

It was from this attractive spot, and the happy, domestic life of one who loved the society of his home folk, that Mac Day, in the spirit of the ancient crusader, marched away to traverse, day and night, the dark valleys and rugged heights of the mountains, going through hunger, cold and exposure to the elements, to be maligned by enemies in the rear and shot at by traitors in front, misunderstood by friends and unsupported by officers who were sworn to do so, all this for one inflexible purpose—to loyally serve his country in her hour of need, and to lay down his life in her defense. He trod his Gethsemane and carried his cross up to the heights of his Calvary and freely shed his blood that the nation might live in peace and security. He is one of a great company of the defenders of civilization who are daily making this supreme sacrifice and having their names inscribed on the roll of honor kept by the nation.

Mac Day ran his brilliant career as a Federal officer, and reached the end while at the meridian of life. He was endowed with a strong, vigorous constitution, capable of carrying him beyond the allotted threescore years and ten. He was at the zenith of his power and usefulness as a servant of his Government, and little dreamed of any sudden termination to his career. In the days of his active career he took few vacations. He felt that he had a mission on earth to perform, which constantly urged him forward. He was planning for a leave of absence the week following his last raid. He expected to spend the time at home fixing up his farm, that needed his attention.

Mac began his last drive on the entrenched liquor interests on Wednesday, Feb. 11, 1925. He went to Welch, where he was joined by the two men upon whom he relied for faithful assistance. They had some information of liquor violators operating in several places. They made a drive on Gary and Keystone without success on Friday, the 13th. Everybody seemed to be on his good behavior. As they were returning to Welch at night, Mac remarked facetiously to his comrades: "It's no wonder we failed to-day. Here it is

Friday, hangman's day, the thirteenth of the month, and Bob Taylor's birthday."

That night the three officers stayed in Welch, planning to finish their work on the following day and go home for a rest. Squire A. C. Hufford had placed in their hands some search-warrants for certain houses at Page-ton and Roderfield. The two towns lay in opposite directions from Welch. It was debated for some time as to which place should be visited first. Mac decided the matter in favor of Roderfield as being the one most likely to reward their efforts.

Saturday morning, February 14, about eight o'clock, the three men, driving Taylor's car, left Welch for the scene of their operations. Mac was perfectly familiar with the camp, and the places to be searched. He also knew the parties—some colored violators of the law. As they approached the first house Mac recognized the negro wanted standing in the yard, and mentioned it to the other officers. Watkins said, "What are the orders to-day, Mac?" Mac replied, "Don't let him get away." That was the officer's last important command, and within the hour it had been carried out to the letter. The negro made no objections to having

the house searched. In fact, he spoke of it jokingly, and assured the officers there was no liquor in his house, insisting that they had been misinformed. The house was a two-story frame building, with a narrow porch in front. It stood with one end to the narrow street. It had two rooms upstairs and two down. A colored woman with whom the negro was practicing trial marriage occupied the house with him. The officers entered the house, followed by the negro. After searching downstairs, Mac ordered Watkins to remain below while he and Taylor searched upstairs. While this was going on the negro attempted to enter the other room. Watkins commanded him to remain where he was until the search was completed. In the light of what followed, it appears that the negro planned to go into the other room, draw his gun and kill Watkins. Then, having the other two officers trapped upstairs, he could kill them at his leisure. The quick action of Watkins prevented a greater tragedy.

Finding no liquor in the house, the men came out in the street, the negro walking at Mac's side. Mac ordered Taylor and Watkins to look in an empty house opposite where they stood. The men did so, and found a



complete moonshiner's outfit in operation. Watkins called out: "Here it is, Mac; bring that nigger along." Immediately the negro made a dash for cover, Mac at his heels, calling to him to stop. It was but a half-dozen steps to the door of the negro's house, and he covered the distance in a moment or two. He entered the house and Mac followed to the door and stopped. He called to the negro to come out, saying: "It's no use to try to get away; we've got you." For answer the negro whirled about just inside the door, flashed a pistol in Mac's face, and sent a bullet crashing entirely through his head. The shock seemed to turn Mac almost around before he fell to the porch. As he was falling the negro fired another bullet into his head. Mac died instantly without a struggle, and without a chance for self-defense. He missed that chance when he allowed the negro to get in the house.

It was a fine tribute to Mac's judgment of the courage and fidelity of his comrades. Under the distressing circumstances there are few men who would not have been unnerved. No doubt the negro expected this. With their chief suddenly shot dead, almost at their feet, and themselves exposed to the fire of the bar-

ricaded negro, was a situation calculated to test the mettle of the officers. Without a minute's hesitation or consultation, they acted. Both had been under fire before, and bore the marks of their conflicts with outlaws.

Taylor was not ten steps from the door when Mac fell, and fired the third shot. The bullet tore through the wall behind the negro's head, passed through the partition and lodged in the wall in the rear of the kitchen. Watkins sprang to the rear of the house to cut off the negro's retreat, and they had him trapped. There was no effort made to capture the murderer. The two officers appointed themselves witnesses, jurors, judge and executioner to see that the negro should pay, in the shortest possible time, the penalty for his desperate crime and quit the world he was unfit to occupy. In a quarter of an hour he had followed Mac into eternity, but to a far different clime.

Before Taylor could get under cover behind the house containing the still, he had been a target for the negro's gun, but escaped untouched. From behind the building he and the negro engaged in a pistol duel at short range, not with much expectation of doing any execution, but to test the nerve

of the antagonists. The negro's nerve broke first, and he sought safety in flight. Eluding Watkins for the moment, he darted out of the back door, tore through a wire fence and slipped along below a steep bank in the rear of a row of miners' houses. The officers hung on his flanks, Watkins on the left, Taylor on the right, firing as they caught sight of his retreating form. After going the length of the row of houses, Taylor lost sight of the negro, and turned, facing back the way they had come, believing that he had passed the negro. But the negro had gotten beyond and stepped out in the open and fired three times at Taylor, who was standing with his back turned. The bullets passed close to Taylor and entered a house where a woman was seeking shelter from the flying missiles of death. Two balls tore through the door, one of them going through the back of a chair. The battle was carried on in a camp where miners' houses were closely packed together, and women and children were fleeing and shrieking in every direction, and not knowing which way to fly. At this time Watkins got clear of the steep bank, and put in a few well-directed shots that drew the negro's attention away from Taylor, and also caused

him to continue his flight. The negro, pushed from behind the houses, next sought shelter from the hot fire of the officers behind a string of coal-cars standing on a sidetrack. Taylor followed him up the right-hand side of the string of cars, and Watkins kept on the left side, trying to get a shot at the negro's legs under the cars. The negro shot his gun empty, and dodged into a small building to reload. While there Taylor fired through the building and drove him out. Emerging from his untenable shelter, the negro attempted to dodge between two cars to the other side. He and Watkins met face to face only a few feet apart. Watkins fired first and sent two bullets into the negro's chest. At the first his head dropped forward on his breast, and at the second he backed out and staggered up along the side of the track, no longer paying any attention to Taylor, who was a short distance behind him, firing at close range. The negro kept on his feet, though mortally wounded, until he had gone the length of a car, where he fell, his body riddled to death by eight bullets.

His name—it deserves no place in a book recounting the story of Mac Day's brilliant career. It would cast a dark shadow and blur

the picture. Let it rot with his moldering body, while his soul goes to face his judge and meet his doom.

With his death avenged, the two officers returned to the spot where their fallen chief lay in a pool of blood. The undertaker, J. W. Luther, who, a few hours earlier, had warned Mac of his possible fate, was summoned from Welch, and preparations made to remove the body to the city.

While waiting for Luther, Taylor and Watkins, true to the orders of their chief, and knowing it would be his wish, went on and made the other two raids planned, and captured liquor, prisoners and guns. The raiding expedition was successful, but at a terrible cost—a cost that the Government can not keep on paying. Trading good officers for treacherous brutes on even terms is too expensive.

The jovial party that had driven so gayly out of Welch a few hours earlier is going back now in the trappings of a funeral train. The road at every camp and settlement was lined by crowds of sober-faced, distressed people struck dumb by the sudden tragedy that had fallen like a lightning stroke upon them. It was hard to believe that Mac Day was

dead. The report had on former occasions been circulated that he had been killed, but proved groundless. This time there was no doubt of its shocking reality. It was as shocking as if Belcher Mountain had tumbled into a chasm or the "Stars and Stripes" been fired upon by armed rebels. And it was treason. The gun that sent that deadly missile on its murderous mission was aimed by a rebellious traitor to constitutional government. And every moonshiner and bootlegger, together with their sympathizers and patrons, from the Golden Gate of California to Hell Gate, New York, helped to steady the black hand and steel the black heart to execute the dastardly deed of assassination. Mac Day represented the authority of the Constitution and the honor of the flag, and a shot at him while in line of duty was a treasonable act. To condone, encourage or excuse treason is to become a partner in the crime.

No death ever occurred in West Virginia that created a profounder impression. None that ever called forth more widespread regrets and genuine grief. McDowell County was shaken as by an earthquake, and men looked and acted as if they believed that the bottom had fallen out of the universe. And



what can be imagined of the scene in that home on Belcher Mountain when the news reached there that the long-expected blow had fallen with its crushing weight? Let the curtain be closely drawn here, and that broken-hearted group be left alone with their grief. It is a picture beyond words. May the consoling presence of the Spirit of God abide there to assuage the pangs of bereavement and revive bright memories of the happier days gone by.

“After the earthquake and the fire” of that Saturday’s tragic events, followed the still peaceful influences of the Lord’s Day, when the strife and clash of material interests yield to the “still small voice” of the Spirit, resting like a benediction upon a troubled world. Men and women moved about the quiet streets, or stood in groups, speaking in subdued voices of the virtues of the departed and the mysteries of Providence. For Mac Day was lying in state in a building dedicated to the nation’s heroes, and it is fitting to speak well of the dead. All the city and countryside for many miles around are vying to do honor to a fellow-citizen and friend who proved “faithful unto death.” The outpouring of the people, and demonstra-

tions of appreciation, were a splendid proof that, despite social and political differences, at heart the great mass of the American people are on the right side of the great moral issues, and delight to honor true patriotism. The forces of darkness are woefully in the minority, but they make up in bluster and noisy demonstration for their lack of real strength. On the surface of events, they make an imposing, sham appearance, but when the real American spirit is aroused to action, the evil forces subside into their true position.

Mac Day left his home only a few days ago with a smiling good-by. He is returning now shrouded for the grave. For him the day's work is done, and the evening-time has come. The shadows have lengthened in the valleys below, and the sun has gone down behind the ridges west of Belcher Mountain. Night is settling over valley, hill and mountain crags, and the stars are peeping out here and there through the blue curtains of heaven in twinkling smiles, whispering into the ears of hundreds of burdened hearts the hope that all is well beyond the shadows.

Mac is sleeping his last night's rest in the home he loved, a rest undisturbed by the

call of duty. For him long, wearisome tramps through the woods are over. For him the long, dreary night vigils in rain and snow are no more. For him battles with outlaws and perils of assassination will no longer impend to disturb his peaceful dreams. The hero of countless conflicts and hair-breadth escapes has laid aside his armor—the armor of the Lord. And now

“On Fame’s eternal camping-ground  
Their silent tents are spread,  
And Glory guards with solemn round  
The bivouac of the dead.”

The birds flying over Belcher Mountain, and the wild creatures hiding in its glens and caverns, never glimpsed a procession like that which wound its silent way up the sinuous road leading to the summit. It was a mixed multitude of all ages and every degree of social standing. A multitude of friends and kinsmen were there to mingle their tears in a fountain of mutual grief. Half a hundred of Federal and State officers were in line, coming to mourn over the death of a fallen comrade, and to gather from the occasion renewed courage and energy to carry on a relentless war upon the forces that slew him. Clothed

in the mystic regalia of the orders, a great company of Odd Fellows and Knights of Pythias were in evidence, paying tribute to the virtues and covering over the faults of a faithful brother. More than one hundred citizens of the Invisible Empire, Knights of the Ku Klux Klan, in snow-white robes (emblem of the purity of their aims), trailed in single file up the mountainside to testify to the fact that here lie the remains of a brother who lived up to his Klan creed, and died battling for the sacred, eternal principles he had sworn to maintain. A score of gospel ministers of various denominations mingled in the throng, praising God for the mighty services rendered to the country by one of their brethren, whose labors and sacrifices had rendered their tasks easier, and cheered them on the way. Yes, and reformed moonshiners and other redeemed outlaws were there, paying silent tribute to the man who always gave them a square deal in all their conflicts, and by his friendly advice and honorable example had helped them out of the broad into the narrow way.

The last rites were observed out under the open sky—no house could hold the throng. And it was most appropriate. Mac Day had

lived in the open, and died there. As a boy and man he had spent his life in the open country among the eternal hills of God's creation. His home was open to all wayfarers who came with friendly intentions. His purse was open to every worthy appeal of charity and religion. His soul was open to the love and truth of heaven. And the gates of the New Jerusalem must have swung wide open for his admission that day. Yes, and the angels of God extended to him an open invitation to all the joys and bliss of the home over there. And the Judge of all the earth was saying: "Come, ye blessed of my Father, inherit the kingdom prepared for you from the foundation of the world."

\* \* \* \* \*

Silence reigned over the top of Belcher Mountain, where a new-made grave was heaped high with fragrant flowers. The birds had ceased their singing. Beyond the far western horizon a glow of light still lingered as if loath to quit the scene. The stars were again twinkling with the smile of hope. Mother earth was lulling her tired children to sleep—and it was night.

## XII.

### A ROLL OF HONOR.

**I**N this chapter, through the courtesy of the United States Prohibition Department, are recorded the names of Federal officers who, like Mac Day, voluntarily gave their lives in upholding the Constitution and laws of our country. It is a most impressive casualty list from the battlefield where brave men are meeting the nation's traitorous foes in mortal combat. It should and will stir the heart of every patriotic American citizen to a renewed devotion to the support of the Government, and a fresh pledge of loyal encouragement to every worthy officer who is valiantly bearing the heat and burden of the day in combating the disloyal forces that have gained a foothold on American soil.

Anderson, Robert G., Warehouse Agent, Indiana. Killed Apr. 16, 1923, Hammond, Ind.

Warehouse Agent Robert G. Anderson was killed Apr. 16, 1923, by bandits who attempted to rob the Hammond Distillery, Hammond, Ind.



The guard who was going on duty on the morning of April 16 was grabbed by five men who took his gun from him. They said to him: "Your name is Joe, and the guard's name on duty is Anderson. We are Italians, and we are going to get you or the whisky." They forced him to go to the gate leading to the distillery and give a signal to Anderson to unlock the gate. When Anderson did so one of the bandits shot him and he fell backwards inside the gate. After several shots were fired, the bandits went away. The guard Joe then went inside to the gate and spoke to Anderson, who did not answer, and who died ten minutes later.

Beckett, Stafford E., and Wood, Charles A., Federal Prohibition Agents, Texas. Killed March 21, 1922, near El Paso.

Agents Beckett and Wood, having information that a large quantity of whisky was being delivered by smugglers at the Shearman Ranch, five miles east of El Paso, Tex., procured a search warrant, and, with Agents Parker, McClure, Guinn, Giere, Quirk, Raithall and Ornelas, proceeded to the ranch, and on the way met C. P. Shearman, the owner, who insisted upon returning with them. Upon arriving at the ranch, Shearman disengaged himself from the crowd, stepped behind a small building and fired a shotgun in the direction of Beckett and Wood, and immediately thereafter a volley of twenty to fifty shots was fired at the agents from various points. The agents took to

cover and returned the fire. The shooting continued for about two hours. Finally Agents Guinn and Parker escaped and went for reinforcements. When they returned the combatants had disappeared. The bodies of Beckett and Wood were found riddled with gunshots.

Bowdoin, James E., Federal Prohibition Agent, Florida. Killed Feb. 16, 1925, at Hewitt Berry Landing, near Careyville, Fla.

Prohibition Agents Bowdoin and Davis, with two citizens of Careyville, Fla., started out to investigate an illicit still. Bowdoin found a scow which was anchored in a river, and on which was a Ford automobile used for towing the scow. There he also found a ten-gallon keg of liquor. After waiting a few minutes, a small rowboat came down the river, and as it drew near the scow, shooting began. Bowdoin shot Houston Harris and Harvey Walker with a shotgun and Sumter Harris with a revolver. Agent Bowdoin was shot with a 32-caliber revolver, once in the left elbow and once in the forehead just above the eye, which resulted in his death. Houston Harris was killed, Harvey Walter was shot and seriously injured, and Sumter Harris' leg was broken from a pistol-shot.

Carter, Atha, Federal Prohibition Agent, Nevada. Died Dec. 24, 1922, as a result of gunshot wounds, Palisade, Nev.

Agent Carter died at two o'clock, Sunday morning, Dec. 24, 1922, at St. Mary's Hospital at Reno, from gunshot wounds inflicted by one Robert F. Raine, in company with one John Brite, while Carter and others were searching for a still, with a search-warrant, upon the Raine Ranch, about nine miles from Palisade, Nev., on the night of Dec. 19, 1922. Carter and another agent who were waiting, hidden near the still, upon the approach of Raine and Brite called for them to hold up their hands, whereupon Raine fired in Carter's direction. Both agents returned the fire and Raine shot again. Carter fell back saying he was shot. He died five days later.

Chunn, Theo. H., General Prohibition Agent. Died Nov. 19, 1924, as the result of injuries received in an automobile accident.

On the morning of Nov. 18, 1924, after investigating the location of a still which was believed to be on a farm some miles out of the city at Norfolk, Va., Agent Chunn was returning to Norfolk in a car, which skidded and turned over into a side ditch, hitting a telephone or telegraph pole. Chunn's head was crushed; he was rushed to the Vincent Hospital, Norfolk, where he died on Nov. 19, 1924.

Cleveland, Daniel S., Federal Prohibition Agent, Mississippi. Killed July 10, 1924, near Meridian, Miss., as a result of gunshot wounds.

Agent Cleveland, in company with Sheriff N. E. Cannady and Jess Dunnigan, a negro, went to destroy an illicit distillery, eight miles southeast of Meridian, Miss. They were conversing as they approached the still, thinking no one was there. When within fifty-one feet of the still, Agent Cleveland was shot in the head and chest, without warning, by Ben Pickett. He died in five minutes. Ben Pickett attempted to shoot Sheriff Cannady, but Sheriff Cannady shot him through the left shoulder, and he dropped his gun and made his escape. Cyldes Pickett, brother of Ben Pickett, picked up the gun which had been dropped, fired two shots at the sheriff and fled. Agent Cleveland fired several times at the fleeing moonshiners and murderers after he had fallen, mortally wounded, but had no accuracy of aim on account of his wounded condition, the shots going wild. Others at the still escaped by running through the woods.

Cole, E. Guy, Federal Prohibition Agent, Kentucky. Killed Dec. 15, 1922, near Lexington.

Federal Prohibition Agent Cole, in company with other agents, while raiding stills in Menifee County, approached an apparently empty house on the farm of Will Ferguson, opened the door and was immediately shot by persons lurking in the house, who kept up continuous firing at the accompanying agents, who had to run for cover. The shot penetrated Agent Cole in the left eye,

fractured his skull and penetrated his brain, causing instant death. One of the moonshiners, Bob Ballard, escaped, but was caught later.

Collins, William E., Federal Prohibition Agent, Louisiana. Murdered March 6, 1925, near Vinton, Calcasieu Parish, La.

Agent Collins was murdered about 9:30 P. M., Friday, March 6, 1925, at the cabin of three moonshiners and brothers, named Robert Dunn, Byron Dunn and Eustis Dunn. The cabin was situated about two and one-half miles from Vinton, La. There were no eye-witnesses to the crime, but circumstantial evidence indicates that Agent Collins and Deputy Sheriff Samuel E. Duhon were murdered while attempting to raid the Dunn cabin under a State warrant to search for a hidden still and a cache of moonshine liquor believed to be there. Both men were found crumpled up in Duhon's Ford car at seven o'clock Saturday morning; their revolvers had not been fired, that of Collins being in his coat pocket and that of Duhon being in his holster. It is believed that Byron Dunn killed Collins and Robert Dunn killed Duhon, and that Robert Dunn, who is an expert butcher, bled the bodies of the dead men in the cabin, which caught fire and burned up under highly suspicious circumstances shortly after 10 P. M., Friday, March 6. The three Dunn brothers were arrested. The district attorney called a special session of the parish grand jury for March 19.

Dorsey, W. D., Federal Prohibition Agent, Georgia. Killed June 13, 1920, at Cleveland, White Co., Ga.

Agent Dorsey, having received information that John Farmer was operating a distillery in his house near Cleveland, Ga., on June 13, 1920, accompanied by Ed. Carpenter, who drove for him, proceeded to the home of Farmer for the purpose of executing a search-warrant which he had previously secured. Upon their arrival at the home of Farmer, they read the search-warrant to him and he told them to go ahead and search. They found a distillery had been operated in a shed in the back yard, there being at the time of their visit about one thousand gallons of spent beer, a furnace, fermenters, worm, etc., in the shed. Upon opening the door to leave the shed, they were fired upon by Farmer, who used a 38-caliber Winchester rifle. The first shot struck Agent Dorsey on the tip of the shoulder, and, glancing, went through his neck, severing his jugular vein. He dropped to the floor and never uttered a word. Farmer then began firing on Carpenter, and one shot struck him, grazing both breasts, but inflicting only flesh wounds. Carpenter thereupon fired at Farmer and wounded him in the stomach.

Duff, Robert S., Federal Prohibition Agent, Kentucky. Killed Dec. 9, 1922, Menifee County, Ky.



Agent Duff, with Agent Davis S. Carter and a posse of citizens, started with a search-warrant for the house of Jeff Ballard, in Menifee County, fourteen miles from Mt. Sterling. A search of the house revealed no liquor, but Jeff Ballard was placed under guard of two citizens while the others proceeded in the search for a still, which was located in a log house, camouflaged with brush, in a cornfield near a creek. On the way to the cabin the raiding party met Albert Ballard, son of Jeff Ballard, who was placed under the same guard as his father. After signs of mash had been noted about the log house, Agent Duff started to batter down the door of the cabin. Immediately the door flew open, and a hail of shots was fired into Duff's body from the inside of the cabin. He fell without a word. Mr. Duff's rifle was leaning against the house, and he did not even have his pistol drawn at the time. At the same time shots were fired from the log cabin, men on the cliff above also opened fire on the raiding party, who had to run for cover, and it was several hours before reinforcements could be secured and any one could get near Mr. Duff's body. When Mr. Duff's body was found, his rifle, pistol, ammunition, money, watch, badge, pocket commission, and all his valuables, had been taken, and the body rolled into a ditch where the still slop had been thrown. Sixteen shots had gone through his body.

Fisher, Howard H., and Freeman, Cary D., Federal Prohibition Agents, Virginia.

Died July 22, 1922, as result of wounds received in raid at Titustown, Va.

Report having been received of operation of an illicit distillery by one James Chambers at Titustown, about five or six miles from Norfolk, Va., four general prohibition agents from the mobile force, and three agents from the force of the Virginia director, including Howard H. Fisher and Cary D. Freeman, proceeded from Norfolk to Titustown to search the house of James Chambers, colored, under search-warrant. Chambers, having come around the porch during the raid, was arrested and directed to take a seat on the porch while the raid was being conducted. Chambers went upon the porch immediately and opened fire on Agent Freeman, mortally wounding him with the first shot. He then ran by the side of the house to the rear, under fire by Agents Freeman and Cox, met Agent Fisher, fired and mortally wounded him. Agents Freeman and Fisher were immediately transported to a hospital after the shooting on the 22d. Agent Freeman expired a short time after reaching the hospital, and Agent Fisher expired four or five hours later. Chambers was again fired upon by Cox, but made his escape and was not captured for a week.

Floyd, Joseph W., Federal Prohibition Agent, Texas. Shot May 17, 1922, at Houston, Tex., and died on way to hospital.

Agent Floyd, in company with another agent named Edwards, was watching a house at 4814 Rusk Avenue, Houston, Tex., from which they had been informed a large quantity of liquor would be removed. They were armed with search-warrants, and on a truck leaving the house they found three trunks full and two barrels half-full of bottled whisky. They advised the men on the truck—Leon Briggs and Sam Brock—that they were under arrest. The men resisted and Briggs ran into the house. Agent Floyd went to the rear of the house, and was about to enter the garage from which the truck had been driven, when a shot was fired from the house which struck him under the right ear and came out above the collar bone on the left side of his neck. His neck was broken by the shot, and he died on the way to a hospital. As soon as the first shot was fired, Agent Edwards broke down the door and rushed into the house, firing at Briggs, who had concealed himself behind a partition, and was shooting at Edwards with a 38-caliber automatic pistol. Edwards finally captured Briggs. Other members of the household were arrested, and a quantity of narcotics was found in the house.

Frans, Kirby, Federal Prohibition Agent, Oklahoma. Died Nov. 20, 1920, as the result of gunshot wounds.

Agent Frans was shot by a moonshiner on Nov. 19, 1920, while making a raid in Perry, Okla., and he died the next day.

Foley, John T., Federal Prohibition Agent, Minnesota. Killed Oct. 28, 1921, by discharge of gun.

Agent Foley was killed by the discharge of his revolver, so far as can be ascertained, during a raid on the St. Elmo Hotel, 330 Cedar St., St. Paul, Minn., Oct. 26, 1921. He was making the raid in company with four other men, and, while searching a closet under a stairway, was killed by a shot. It is thought by the agents who accompanied him, that his own gun fell to the floor and struck on the hammer, causing it to discharge.

Green, Jacob F., Federal Prohibition Agent, Mississippi. Killed Apr. 1, 1921, near Richton, Miss.

Agent Green, accompanied by Town Marshal M. L. Dunnam, raided a moonshine still near Richton, Miss., on Apr. 1, 1921. Both were killed about noon, their bodies not being found until 5 P. M. Agent Green was shot once with a shotgun, the load entering just above the right eye, and tearing off the top of his head. Marshal Dunnam was shot five times with a shotgun, one load hitting him in the breast and four in the back. Indications were that the shot in the breast did not kill him instantly, and that the shots in the back were fired from a distance of not more than five feet, as the holes were close together and the shot did not scatter at all. Agent Green's pistol had been fired four times and Dunnam's six

times. Two of the moonshiners were wounded, as was ascertained later, the four who killed these officers having been later captured. Their statements as to the affair were conflicting, but one stated that another of the gang fired the first shot as the officers approached the still; another stated that one of the four was intoxicated.

Gregory, Bert S., Narcotic Inspector, Kansas City Division. Accidentally killed Oct. 25, 1922, at Kansas City, Mo.

Narcotic Inspector Gregory was on his way to make purchases of narcotics, together with another officer, and they stopped in the University Hospital, Kansas City, Mo., to visit Agent Sheets, who was confined there at the time. As he sat down in a chair his pistol fell from his pocket, and upon hitting the floor exploded. The bullet hit Gregory in the back about two inches to the left of the spinal column, and ploughed its way through his body, making its exit in the left breast over the heart.

Griffin, Richard, Federal Prohibition Agent, Alabama. Killed Dec. 6, 1920, near Cool Springs, Ala.

Agent Griffin, in company with Agent Eugene Eubanks and Jack Horten, an informer, on Dec. 6, 1920, while investigating the illicit sale and manufacture of whisky in the vicinity of Cool Springs, St. Clair Co., Ala., was attacked by

moonshiners, whom they had placed under arrest. Agent Griffin was seriously wounded, having been shot with a shotgun, and died while being taken to a hospital.

Howell, Charles E., Federal Prohibition Agent, Alabama. Killed July 17, 1921, Limestone County, Ala.

Agent Howell was killed at about 10:30 on the night of July 17, 1921, while on a raid on the banks of the Tennessee River, in Limestone County, Ala., while talking to parties concealed near the river bank with a view of having them transfer himself and two others who accompanied him on the raid to Decatur, Ala., he having been fired upon with shotguns and receiving forty-six wounds in the chest and abdomen. It was learned later that the two men who actually did the shooting made their escape.

Jackson, R. W., Federal Prohibition Agent, Georgia. Killed Dec. 16, 1920, at Reynolds, Taylor Co., Ga.

Agent Jackson, with two other officers, conducted a raid near Reynolds, Taylor Co., Ga., on Dec. 16, 1920. After locating and destroying a still on the premises of one Garrett, they placed one C. M. Wadsworth and two negroes under arrest. As they were conducting the prisoners to their automobile to take them to jail, they were set upon by men coming out of Garrett's house. These men began firing with pistols and forced



the officers to release the prisoners. The agents then returned the fire, and during the battle Agent Jackson was wounded. He died an hour and a half later.

Johnson, Jesse R., Federal Prohibition Agent, Arkansas. Died Nov. 21, 1921, at Vincent's Hospital, Little Rock, Ark., from wound received from ambush.

Agent Johnson, accompanied by Agents Smith, Sutterfield, Thompson and Rogers, and Informers Perk McCray and John H. Hopper, went to Saline County to execute search-warrants and raid a number of places. They went to the house of Jack Coburn, in Bland, where they found him and his brother, Jim Coburn. The brothers said they had some whisky for sale, but that it was across the North Fork of the Saline River, and the river would have to be crossed in a wagon with Jack Coburn to get the whisky and place under arrest the parties who possessed it. While attempting to make the arrest, Agent Johnson was shot from ambush. Orin Ray, who shot this agent, surrendered himself to the sheriff of the county and made written confession of the killing of Agent Johnson.

Lynch, Howell J., Federal Prohibition Agent, Tennessee. Killed July 6, 1922, at Gainesboro, Tenn.

Agent Lynch was shot and killed while raiding a still in Jackson, about four miles from

Gainesboro, Tenn. It is supposed that he was shot without notice from ambush by one Henry Young, notorious bootlegger of that vicinity, whose still had been raided by Lynch and a deputy sheriff a few minutes before Lynch was shot.

Marks, Louis L., Narcotic Inspector. Died Oct. 24, 1924, as result of a motor-bus accident, *en route* to Monroe, Ga.

Narcotic Inspector Marks was traveling by motor-bus from Atlanta, Go., to Monroe, Ga., to investigate an alleged narcotic violation. He was sitting with the driver. While attempting to keep from going into the ditch, the steering-wheel broke. Marks was thrown against the dash of the car, breaking his sternum and ribs from the third to the eighth. He died an hour later.

Matuskowitz, Frank, Federal Prohibition Agent, Pennsylvania. Killed June 3, 1920, in railroad accident, in line of duty.

Agent Matuskowitz was proceeding to Pittston, Pa., to meet Agent Thomas Newcomb, the two intending to go to Scranton, Pa., to investigate one Fred Campbell, of Scranton, a notorious bootlegger. Matuskowitz was killed in an accident on the L. & W. V. Railroad, near Pittston, June 30, 1920.

McGuinness, James F., Federal Prohibition Agent, New York. Killed Dec. 24, 1920, at Bayonne, N. J.

The body of Agent McGuinness was found on the shore of Newark Bay, Bayonne, N. J., on Dec. 24, 1920, with a bullet wound on each side of the head. The coroner's inquest rendered a verdict that he was killed by an unknown person.

McMichael, Bert R., Federal Prohibition Agent, Ohio. Died May 23, 1924, as result of injury received in automobile accident.

On May 22, 1924, at about 4:30 P. M., while driving from Canton to Massillon, O., along the Lincoln Highway, the Ford machine driven by Agent McMichael was struck by a limited car on the tracks of the Northern Ohio Traction Company. Agent McMichael sustained injuries at the time which resulted in his death at about 9 A. M., May 23, 1924.

O'Toole, John, Federal Prohibition Agent, California. Died Feb. 17, 1922, from injuries received while arresting bootleggers in San Francisco.

Agent O'Toole and Agent Meyers attempted to arrest Fred Dowd and Henry Hosea, in Church Alley, San Francisco, they having delivered some whisky to Hall Emery, an informer. Dowd attacked Meyers with a 45-caliber revolver, and Hosea, in trying to escape, brushed Agent O'Toole from the running-board of the machine in which the whisky was delivered, and ran over him, fracturing his spine. This occurred Jan.

26, 1922, and Agent O'Toole died, as a result of the injury, in Harbor Emergency Hospital, San Francisco, Feb. 17, 1922.

Owen, Joseph P., Federal Prohibition Agent, Mississippi. Died Sept. 6, 1922, as result of gunshot wounds.

With other officers, Agent Owen was raiding a still near Kosciusko, in Leake County, Miss., on Aug. 23, 1922, and was wounded in a gun battle with the moonshiners. He died two weeks later in a hospital at Jackson, Miss., as a result of such wound.

Price, Glen H., and Todd, Grover C., Federal Prohibition Agents, Oregon. Killed by bootlegger, Sept. 3, 1922, at New Grande Ronde, Ore.

Agents Price and Todd attempted to arrest Philip Warren, an Indian bootlegger, on the streets of New Grande Ronde, Ore. In the course of the arrest, Warren, who was intoxicated, struck Price in the face, and the officer retaliated by hitting Warren over the head with the butt of his pistol. Warren made a dash for freedom, got away and went to his home, where he obtained a rifle. He returned to the scene of the attempted arrest and opened fire on the agents, killing both of them.

Reynolds, J. H., Federal Prohibition Agent, Kentucky. Killed Aug. 26, 1921, Johnson County, Ky.

Agent Reynolds, with others, was searching for moonshiners and stills in Johnson County, Ky., when he was fired upon by a party of six or more persons secreted in a house about forty feet distant. At the first discharge of a gun, Agent Reynolds fell with seventy-six shots in his neck and breast.

Rose, J. H., Federal Prohibition Agent, North Carolina. Killed Oct. 25, 1920, in Swain County, N. C.

While participating in a raid in Swain County, N. C., on Oct. 25, 1920, Agent Rose was shot from ambush by a moonshiner and killed.

Saylor, Willie B., Federal Prohibition Agent, Kentucky. Killed Feb. 24, 1924, near Middlesboro, Ky.

On Feb. 23, 1924, Agent Saylor and one Milard Overton, whom he had deputized to assist him, were proceeding in automobiles *en route* to Pineville, Ky., with four prisoners whom they had arrested in a raid. On the way they came across one Lloyd Littrell, who stood in the road shaking a pint bottle of whisky at Agent Saylor. Saylor thereupon put Lloyd Littrell under arrest for illegal possession and transportation of liquor,

and proceeded on his journey. Thereafter Saylor had some car trouble, and, while repairing the car, Bill Littrell (father of Lloyd) and John Littrell (brother of Lloyd) came down the pike in an automobile and stopped their car directly in front of Saylor's car. Bill Littrell, armed with a shotgun, demanded the release of Lloyd Littrell, saying he was magistrate of the district, and would try the defendant. Saylor replied that he intended to deliver his prisoner to Prohibition Agent C. H. Redmon at Middlesboro, Ky. Bill and John Littrell had both been drinking, and they became very abusive. Lloyd Littrell also abused and cursed Saylor. Saylor then begged Bill Littrell not to make any trouble, but his pleas were unheeded, so he took the shotgun away from Bill Littrell, unloaded it and threw the cartridges away. Thereupon the three Littrells started trouble, Bill Littrell firing the first shot, which mortally wounded Saylor. As the fight progressed Bill and John Littrell were killed and Lloyd Littrell was wounded. Agent Saylor was taken to a hospital, where he died the next day, Feb. 24, 1924.

Scruggs, Irby U., Federal Prohibition Agent, Tennessee. Died Apr. 30, 1921, as a result of bullet wounds received in an altercation.

While returning from a raid participated in by Agents Scruggs and Robert Fuller, a deputy sheriff of Knox County, Tenn., an altercation



occurred between men, and shooting resulted. The altercation started with an order given Fuller by Scruggs to the effect that Fuller should not drink any of the seized whisky, and that he should put up a gun which he had in his lap. It appears that Fuller became enraged and shot Scruggs, whereupon Scruggs fired back, killing Fuller instantly. Scruggs died on the operating-table a few hours later at Knoxville.

Spigener, Wm. Paul, General Prohibition Agent. Died Dec. 9, 1924, as the result of an injury received in an automobile accident.

On Oct. 28, 1924, Agent Spigener was injured in an automobile collision in Toombs County, Ga., while on a raid, receiving a severe cut on his face, which started beneath his eye and continued under his jawbone and ended beneath his chin. As this wound began to heal, the tightening tissue caused eye pains, and difficulty in closing the eye. In order to relieve the strain on his eye, Agent Spigener submitted to an operation on Dec. 9, 1924, and died as the result.

Sterner, Charles O., Federal Prohibition Agent, Missouri. Killed June 25, 1922, near St. Louis, Mo., as a result of gunshot wounds.

Sterner, with seven other agents, entered, with a search-warrant, the Sharpshooters' Park and Club at 1000 Lemay Ferry Road, a short distance outside St. Louis, Mo., June 18, 1922. While en-

tering, Agent Sterner was shot in the neck, the shot having been fired from a window of the building. Agent Sterner died as a result of the wound, June 25, 1922. Sixteen men were arrested at this club by the other agents, but those who killed Sterner escaped. Various gambling devices were found in the club.

Stewart, George H., General Prohibition Agent. Killed Nov. 11, 1923, at Buffalo, N. Y.

Two men and a waiter started to follow Agent Stewart, who was leaving Geneva Inn, 822 Hertel Ave., Buffalo, N. Y., alone at 2:50 A. M., Nov. 11, 1923, after he had purchased evidence there. Stewart drew his gun and ordered the men to stand back. Stewart was then shot in the back, and he fell to the floor, after which several more shots were fired into his body. An examination of the body showed nine shots entered it.

Walker, Ernest W., Federal Prohibition Agent, Texas. Died March 5, 1921, as a result of gunshot wounds.

During a gun battle between prohibition agents and Mexican whisky smugglers, near the International boundary-line, not far from El Paso, Tex., Agent Walker was shot through the abdomen. The battle occurred March 2, and Agent Walker died from the wound on March 5, 1921, in a hospital in El Paso.

Waters, John V., Federal Prohibition Agent, Florida. Killed Oct. 5, 1922, near Dade City, Fla.

Agent Waters left Dade City, Fla., on the afternoon of Oct. 5, 1922, with a search-warrant authorizing the search of a stock farm near Dade City. His body was found in a Ford automobile standing by the road near the stock farm, riddled with buckshot. The "Overstreet Gang" was indicted for his murder.

Watson, John, Federal Prohibition Agent, Texas. Died May 3, 1921, as a result of gunshot wounds.

While attempting, with another prohibition agent, to arrest bootleggers one mile south of Anthony, N. M., near the Texas-New Mexico State line, on the night of Apr. 30, 1921, Agent Watson was shot. He died of his wounds on May 3, 1921.

Weiss, Stanton E., Federal Prohibition Agent, Oklahoma. Killed Aug. 28, 1920, near Oklahoma City.

Agent Weiss, Agent Reid T. Miller, Agent Claude Tyler and Deputy Sheriff Homer Adrain conducted a raid Aug. 28, 1920, on an illicit distillery, operated by Charles Chandler and his son (negroes), thirty-two miles northeast of Oklahoma City. The officers were attacked by the two negroes,

and a general gun battle took place, in which Agent Weiss and Deputy Sheriff Adrain, and the negro, Charles Chandler, were killed. Agent Tyler and Claude Chandler, the son, were wounded. Claude Chandler was forcibly removed from the jail in which he was incarcerated, and hung by unknown persons, on the night of Aug. 29, 1920.

Williams, James T., Narcotic Agent, Chicago. Died Oct. 16, 1924, as result of gunshot wound, Chicago.

Narcotic Agent Williams, in company with Agent George Howard, on the evening of October 15, halted and started to search one James Beck, a negro, known both as an addict and peddler of "dope." The negro resisted the agents, and in the struggle managed to snatch the revolver from Howard's holster. Howard tried to hold his arms and throw him to the ground, but he fired one shot, which entered Williams' forehead. He died at 2:30 A. M., the following day, at Lakeside Hospital, Chicago.

Youmans, J. Leroy, Federal Prohibition Agent, South Carolina. Killed Apr. 3, 1923, near Hartsville, S. C.

Agent Youmans was watching the operations of a distillery near Hartsville, S. C., on Apr. 3, 1923. While the moonshiners were walking about the still getting the operation started, one of the officers with Youmans stepped on a dry twig,

making a slight noise, and immediately one of the moonshiners approached the place where Youmans was concealed. Youmans arose to arrest the man, who turned a flashlight on the agent. Holding the light in one hand, the moonshiner immediately fired a revolver which he held in the other hand. The bullet went entirely through Agent Youman's body, and he died in ten minutes.

### XIII.

#### THE BATTLE-LINE.

THE task is finished, the story told. It has been both painful and pleasant. Painful in having to recount the tragic events of sorrow and death. But in the never-ending war, tragedy and glory blend. The war between the forces of righteousness and the opposing powers of darkness.

It has been a pleasant task to recount the deeds of daring, and picture the scenes of heroism displayed by the champions of liberty. It is a pleasure to indulge the hope that the story of this modern crusader, and the brief record of the sacrifices of his fallen comrades, may lend a measure of immortality to the influence of their heroic lives that will arouse others to put on the armor and wield the sword of the Spirit against the adversary. It is pleasing to contemplate the visions of the future when, under the blessing of Heaven, the good seed of the kingdom, sown by faithful servants, and watered



by the tears of the sowers, and invigorated by the blood of the martyrs, shall yield an hundred-fold blessing to the children of men.

God sometimes makes the wrath of man to praise Him. And in this life-and-death struggle—with some heartbreaking disasters—where we see

“Right forever on the scaffold,  
Wrong forever on the throne,  
Yet that scaffold sways the future,  
And, behind the dim unknown,  
Standeth God within the shadows,  
Keeping watch above his own”—

God may be using Mac Day to focus the public conscience upon the issues involved.

Daily the battle-lines are being more closely drawn between the friends and defenders of freedom under the Constitution, and the enemy who seeks to substitute license for liberty and anarchy for government. There are but two sides, as there are but two in every question of human interest. Men and women are choosing sides in the conflict according to the spirit that animates their hearts. The conflict continues through the weary years, and the line of demarkation remains between the two forces. It will still remain in eternity. And there will remain,

over there, two companies—the sheep and the goats, the blessed and the condemned. The choice of sides over here fixes the destiny over there. Over here on this side stands the “great cloud of witnesses,” prophets, apostles and martyrs of the ages. Over there on that side are the sinister Satanic hosts who slew the prophets, tortured the apostles and murdered the defenders of human rights. The question for you to decide, friendly reader, is on which side to stand. In the conflict there are no sidelines or grandstands for the convenience of those who wish to be entertained by the spectacle. And there are no exemptions from war on the ground of conscientious scruples of disability. All must directly or indirectly take some part in the conflict. One side is struggling through grime and dust and blood to extend and elevate Christian civilization. The other, by stealth, assassination and treachery, to defeat the high aims of patriotism. In our own country the battle rages around the constitutional rights, born out of the travail and sacrifices of the fathers and mothers of American institutions.

It is a debatable question as to whether any people are capable of self-government.

The American people are debating that question now, with the world as an audience. In the history of this nation's struggle for more than a century to demonstrate our right to claim the ability for self-government under constitutional provisions, five great figures have towered above their fellows like mountain peaks above the plains. These five mighty leaders have guided the forces of righteousness in conspicuous forward movements. Washington, Jefferson, Lincoln, Roosevelt and Wilson form a group of human emancipators unapproached in the history of the race.

Standing over against these great luminaries of the moral universe, casting dark and foreboding shadows on the highway of progress, are five characters fit representatives of the powers of darkness—Arnold, Burr, Booth, Weyler and the “Beast of Berlin.” This picture reveals a striking cross-section of humanity, and makes a striking contrast of the character of the opposing forces. Under the leadership and power of one or the other of these forces, this nation is either going on the upward road where the great and good have trod, or it is going down into the abyss, the tomb of

nations that walk in the darkness where God is not.

In Washington's time the battle was waged around the rights of the people against foreign domination.

In Jefferson's day the fight was over the masses against the classes.

Lincoln met the issue as it centered in chattel slavery and States' rights.

Roosevelt fought on foreign soil to vindicate the right of weaker nations to be free from the tyranny of the strong

And Wilson led the world's army of freedom across the sea to crush forever the pretensions of autocratic kings.

All these leaders led their armies against the same old, hoary-headed foe of humanity, but under different conditions and issues.

The fight at this time centers around the right of the Government to function under constitutional provisions. This battle is being waged to determine whether the dreams of its founders shall be realized in a great, free nation leading the world toward the ideals of civilization, or end in the disaster foretold by the prophets of doom. The warfare is being waged for the vindication of majority rule, under constitutional safeguards.

If the minority can nullify and repudiate the constitutional amendments and laws based thereon, then the minority can destroy the Constitution itself and make an end of all governments, human or divine. Lucifer attempted to enforce the minority rule in heaven, and landed in hell. If he had won his point, heaven would have become hell, and God would have been dethroned. Similar results will follow if the American people can not enforce their own Constitution and laws. The supremacy of the Constitution for the good of all is paramount to the desire of the individual to gratify his own personal appetites or ambition.

The battle over the Eighteenth Amendment to the Constitution is the Gettysburg of the war. There the power of rebellion will recede or sweep on to the overthrow of the Government. King Alcohol and Liberty are leading the hosts. King Alcohol leads an army "whose god is their belly." Liberty leads an army whose God is the Most High. The patriotism of King Alcohol's subjects is in their stomachs. The followers of Liberty carry patriotism in their hearts.

The belt-line separates the character of one from the other.

The outcome of this conflict will decide whether America is ruled by appetites or brains. It will also settle the dispute between fundamentalists and modernists. If the power below the belt-line conquers the power above it, then Darwin was right.

This is not a sham battle nor a holiday parade. It is real war, war to the death. Out yonder on the blue ocean, where John Paul Jones, Lawrence, Decatur, Schley and Dewey covered "Old Glory" with immortal fame. The "Stars and Stripes" leads the United States Navy against a motley crew of alien pirates who insult the flag, defy the law and seek to scuttle the ship of state. On shore forty-two "battalions of death" in league and alliance with this piratical crew conspire to destroy the integrity of the Constitution and re-enthroned the discredited, outlawed liquor interests.

In this volume is found a roll of honor upon which are inscribed the names of forty-five of the Government's "shock troops" who have bravely met these seditious enemies and died in action. The story of these men's heroic sacrifices will everywhere hearten the friends of the Government, and cause them to seek, with greater determination, the de-



struction of an unholy power that, through bribery, stealth and assassination, would wreck the nation and murder its defenders. The sacrifices made by these men prove that patriotism is not dead, nor the love for liberty departed from our shores. When these Federal officers fell with face to the foe, others stood ready to step in and fill up the ranks. Men still believe there are some things worth dying for. And as long as the majority of the American people maintain this spirit of loyalty, "the heathen may rage and the people [the disloyal people] imagine a vain thing" (the vain delusion that the liquor power is coming back), but constitutional law will rule this nation.

Mac Day and his associates caught the spirit that through the centuries of time has lifted the hopes of men to the heights where idealism dwells in perfection, and where "the heavenly visions" become a glorious reality. They have gained the summit where neither praise nor blame can touch them. But the national conscience will be stirred to give to their successors that whole-hearted support denied these earlier defenders of the nation.

With a great price was our freedom purchased, and at a great cost must it be re-

tained. A chain of graves encircles the globe. Graves of American citizens who died under the "Stars and Stripes," defending the freedom the flag guarantees. Shall it ever be said of America that she fell so low in honorable, patriotic gratitude as to forget these heroes and permit their sacrifices to be in vain? Shall America, bearing the high hopes of humanity, falter in her career, lose her soul and sink into the grave along with the forgotten tombs of her defenders? Shall it ever be true that such generous offerings of blood and self-sacrificing devotion were an unappreciated and useless offering upon the altars of liberty?

No! A thousand times no!

The God whose hand piloted the "Mayflower" across the storm-swept sea, and whose Spirit led them to plant the banner of liberty upon the desolate shores of a new world, still reigns. The Being who directed the patriot army from Bunker Hill to Yorktown still dwells in the hearts of that army's successors. The Mind that inspired the Declaration of Independence and the American Constitution directs the minds of them who trust Him. The Leader who guided Abraham Lincoln from obscurity to immortality, and used him to

free a people, and save a nation, is still directing the work of emancipation. The Almighty who used Theodore Roosevelt as the head of a human battering-ram to crush the last fortress of tyranny on the soil of the western continent, directed the pen of Woodrow Wilson as it pierced between the joints of the armored giant autocracy of the Old World.

The patient, long-suffering God that heard the cries of an oppressed people in the ages past, and sent a deliverer, heard the cries of a heart-sick, soul-weary people battling around their doorsteps against the hydra-headed monster that was devouring their children, and gave them victory. And the redeemed children of these God-fearing forebears, standing on the soil their parents occupied, have registered before the throne of heaven a solemn oath that this monster, King Alcohol, shall never more wield his cruel scepter over the land. But, branded with the curse of God, outlawed by the Government, loaded with his unpardonable sins, he shall go out from the society of civilized people to wander in eternal banishment with the first murderer of the world, and face the consequences of his crimes.

The torch of liberty was placed in the hands of this generation by the stiffening hands of the past as it fell in the forefront of the battle, with the solemn charge to bear it on to the next. This generation is the keeper of a sacred trust, and must not prove recreant to the confidence of the dead nor to the hopes of the living.

In the terrible days when the tide of German power rolled like a flood of devastating fire over the plains of Belgium and the hills and valleys of France, threatening to engulf the world in ruin, and when the French army rolled back until it stood with its back to the wall, determined to die there, an unusual thing happened. Those Frenchmen, facing death and national disaster, their hearts fired by a high resolve to win or die, their minds superheated by the mighty issues at stake, fancied they saw horsemen and armies marching in the heavens above them, and they heard voices calling and cheering them on. Fired by the supernatural aid, they fought with the courage and power of demons, and the tide of ruin was checked and turned back. That vision was not all fancy. When Elisha and his servant were surrounded at Dothan by a great army of enemies bent on their cap-

ture, the servant in his terror appealed to the old prophet. Elisha prayed that the servant's eyes might be opened to see the true situation. His prayer was answered, and the servant saw the whole heavens filled with chariots and horses, and marching armies sent to defeat the enemy.

It has been so always. The great spiritual world lying all about this earth is full of spiritual forces. These unseen forces are always on the side of truth and justice and liberty. And these forces have turned the tide of battle, at many a critical hour, in favor of liberty.

It is true in this present conflict raging around constitutional government.

Let the disheartened patriot soldier but lift his eyes and bend the ear and listen, and he will catch visions and hear voices calling on every side. Voices from the sky, voices from the past, voices from the future. From a thousand battlefields where the blood of heroes drenched the earth in defense of freedom, their voices are calling to those who still bear the banner. From the ocean's dark depths, where brave men went down crying, "Don't give up the ship," they are calling across the blue waves, urging steadfastness. From the ashes where martyrs went up to

glory and to God in the smoke of their own burning flesh, they beckon to the living, words of cheer. From dungeons dark and damp, where men rotted rather than deny the faith, voices come out of the gloom to brace the faltering soul. From mountain heights and level plains they are calling. A great host of those on the honor roll of heaven are calling from beyond the tideless sea, urging steadfastness, loyalty and courage.

But above all the sounds and spiritual influences of the universe comes the voice of One who died on a cross to make men free. He is calling men to serve their country by first coming under his yoke of authority. Following His voice, the Christian citizen is a citizen who is "free indeed." Under the inspiring power of His truth and Spirit, the good citizen can serve his country and his Maker unto death, and then with the hero of the Christian dispensation can shout upon the shore of eternity: "I have fought a good fight, I have finished the course, I have kept the faith: henceforth there is laid up for me in heaven the crown of righteousness which the Lord, the righteous judge, shall give me at that day."

THE END.





[illegible]

PRINTED IN U.S.A.

CINCINNATI CHRISTIAN UNIVERSITY LIBRARY



3 4320 00183 1629

364.133092 D274b c. 2  
Burleigh, William Grant,  
1866-1937.  
Mac Day, crusader

